UNIVERSITY REFORM

THE FOUNDING OF THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

HANS-JOERG TIEDE

FOREWORD BY MICHAEL BÉRUBÉ

VISIT…

University Reform

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Foreword by **Michael Bérubé**

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FOREWORD

Where Did Academic Freedom Come From?

Michael Bérubé

I WAS SITTING in a conference room at the headquarters of the American Association of University Professors in 2010, debating a provision in the document that would become the report "Ensuring Academic Freedom in Politically Controversial Academic Personnel Decisions." I had been appointed to Committee A on Academic Freedom and Tenure the previous year, and this was my first experience participating in what I believe is one of the AAUP's most important tasks: the creation of policy documents on vexingly difficult issues. The immediate question had to do with whether a job candidate for an academic position could be disqualified for having a criminal record. Outside the groves of academe, this sounds like a no-brainer: who wants to hire a felon to a tenured position? But committee members pointed out that people are convicted under unjust laws all the time, and that certainly any search committee considering faculty members who had been jailed for protesting the Vietnam War or for violating Jim Crow laws in the South had a legitimate reason to set aside candidates' criminal records, judging their cases on scholarly merit alone.

At some point during that long meeting I had an out-of-body experience. Well, not exactly. I stayed in my body. But my mind wandered far from the matter at hand, as if to peer at the conference room and the discussion from a great distance. *How is it that I am having this debate at all? How is it that all these smart, dedicated people are gathered in a windowless room for an afternoon, figuring out ways to treat politically controversial professors fairly?*

As it happens, these are not idle questions. I was not daydreaming; I was musing on the condition of there possibly being something called an American Association of University Professors and something called Committee A on Academic Freedom and Tenure. I wish more of my colleagues would muse on these topics; I have the sinking feeling that too many people in academe take the AAUP for granted, as if it had always been around, from the moment Harvard College was founded in 1636, and it will always *be* around, figuring out ways to treat politically controversial professors fairly. Or, more modestly, as if the German concept of *Lehrfreiheit*, the professor's

freedom to teach, were simply added to faculty handbooks everywhere once Johns Hopkins University adopted the German research model.

As Joerg Tiede's fascinating work shows, it just wasn't that simple. Academic freedom remains an ill-understood concept today, elided as it so often is with First Amendment protections of freedom of speech. But it was even less well understood a century ago, when professors first began to try to figure out how to treat politically controversial professors fairly. Was academic freedom justified as part of the task of pursuing and advancing knowledge? Did it ultimately serve a public good, no matter how recondite the knowledge? How could it be balanced—or did it need to be balanced—against *Lernfreiheit,* the student's right to learn? Was academic freedom in the classroom therefore any different from academic freedom in the laboratory, the research carrel, the refereed journal? Was academic freedom a prerequisite for committee service, for meaningful contributions to the shared governance of an academic institution? (This question has returned today with the possibility that contingent faculty members might participate in governance.) And what of "extramural" utterances, made by professors in magazines or editorials, on soapboxes or street corners? Could these be left to the First Amendment, or did they require protection as specifically professorial speech?

All these questions were up in the air in 1915, all very much unresolved. Just to focus on one such question, the AAUP's 1915 *Declaration of Principles* wound up being especially solicitous of students, urging that

> the university teacher, in giving instruction upon controversial matters, while he is under no obligation to hide his own opinion under a mountain of equivocal verbiage, should, if he is fit for his position, be a person of fair and judicial mind; he should, in dealing with such subjects, set forth justly, without suppression or innuendo, the divergent opinions of other investigators; he should cause his students to become familiar with the best published expressions of the great historic types of doctrine upon the questions at issue; and he should, above all, remember that his business is not to provide his students with ready-made conclusions, but to train them to think for themselves, and to provide them access to those materials which they need if they are to think intelligently.

The present-day admonition that all professors should introduce, "without suppression or innuendo, the divergent opinions of other investigators" reads like a clear violation of the academic freedom of professors who see no need to do so. More remarkable still is the 1915 *Declaration*'s warning about the instruction of "immature" students:

> There is one case in which the academic teacher is under an obligation to observe certain special restraints—namely, the instruction of immature students. In many of our American colleges, and especially in the first two years of the course, the student's character is not yet fully formed, his mind is still relatively immature. In these circumstances it may reasonably be expected that the instructor will present scientific truth with discretion, that he will introduce the student to new conceptions gradually, with some consideration for the student's preconceptions and traditions, and with due regard to character-building.

It is hard to read this call for "special restraints" and to "present scientific truth with discretion" without thinking about evolution—and about the evident possibility that some professors in the United States in 1915 found themselves in the position of telling 18- and 19-year-olds, who had no access to mass media or the Internet because these things had not yet been invented, that they were ultimately descended from apes. (As were their parents! And their grandparents!) The 1915 *Declaration* therefore cautiously advises such professors to break the news gently.

On the whole, however, the 1915 *Declaration* is a remarkable document, and the idea of "academic freedom" it bequeathed to us, modified since by the 1940 *Statement of Principles* and by dozens of policy documents and reports, is one of the cornerstones of a free society. Here Tiede shows just how important that is—and how things could have gone down a different road, with a competing conception of academic freedom being developed by the Carnegie Foundation for the Advancement of Teaching. This book is a critical account of the early years of the AAUP—and something like a definitive answer to the questions I was asking myself that summer day in 2010, about how it came to be that people devised a system for the fair treatment of controversial professors. They did it by developing arguments, and ultimately practices, that now serve as the bedrock of higher education in the United States. We are all in their debt—and now, too, we are in debt to Joerg Tiede for this book.

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ACKNOWLEDGMENTS

This book grew out of research that I conducted for an article on the founding of the AAUP. I had originally intended to use the article as an appendix to the 2015 edition of the AAUP's *Policy Documents and Reports*. In the end, it did not seem to fit there and was published in the *Journal of Academic Freedom* instead. The article concentrated primarily on the periods immediately before and after the founding of the AAUP and utilized only a small amount of the archival material I had located during my research. Much of that material had not previously been used in the historiography of the AAUP, providing the impetus to present a fuller description of the founding years of the association and hence to write this book.*

I want to express my deep appreciation to Larry Gerber, Bob Kreiser, Jordan Kurland, Debra Nails, and Ellen O'Brien for their most helpful comments and suggestions.

My thanks to several archivists and library faculty and staff for their help: Jennifer Comins at Columbia University, Michelle Drobik at Ohio State University, Barbara Floyd at the University of Toledo, Tony Heaton and Karen Schmidt at Illinois Wesleyan University, Susan Hoffman at the University of Minnesota, Janet Olson at Northwestern University, Geoffrey Ross at the University of Illinois, Margaret Schlankey at the University of Texas at Austin, James Stack at the University of Washington, James Stimpert at Johns Hopkins University, and Morgan Swan at Dartmouth College. Without their personal assistance and that of a number of additional archives, this work would not have been possible.

The writing of *University Reform* was supported by a sabbatical leave and a grant from Illinois Wesleyan University.

This book is dedicated, with love, to my daughters, Annika and Franciska, and to my partner, Ellen O'Brien.

* Hans-Joerg Tiede, "'To Make Collective Action Possible': The Founding of the AAUP," *Journal of Academic Freedom* 5 (2014). This book incorporates material from this article as well as some material that I previously wrote for the AAUP's *Academe* blog.

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University Reform

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The University Question

> As the industrial trusts will in the end be directed by the world's greatest democracy for the benefit of the people, so our educational system may give the material basis for an efflorescence of creative scholarship springing from a free and noble life.

The American Association of University Professors (AAUP) was founded in 1915. Organizing an association to advance the interests of the professoriate and to promote the reform of the university was an archetypical response of Progressive Era professionals to what might as well have been called the "university question," to play on the more common "social question" of the time. As historian Arthur Link has observed, "Not all, but most . . . [Progressive] campaigns were the work of special interest groups or classes seeking greater political status and economic security. This was true from the beginning of the progressive movement in the 1890's; by 1913 it was that movement's most important characteristic."[1]

While the "social question" most generally was how to improve the organization of a society that had changed as a result of industrialization, urbanization, and mass immigration, the "university question" can be described as how to organize higher education following the explosive growth it had experienced beginning in the 1890s as well as the rise of a new kind of institution: the research university. Although not as widely discussed as the social question, the growth of higher education was accompanied by a wide-ranging public debate over its direction. To this debate the founders of the AAUP contributed proposals on achieving greater political status and economic security for faculty in the modern university.

Rather than seeking greater status for professors in the American political system, however, the founders of the AAUP sought to change the political status of professors in the governance system of their universities. The predominant mode of governance of US higher education was—and still is—a system that was transplanted from Calvinist Europe to the colonial United States and then subsequently spread throughout the entire country.

The lay governing board that appointed a president to operate the corporation on its behalf was almost universally adopted in institutions ranging from small denominational colleges to large endowed universities. State boards of regents represented the same fundamental principle: ultimate control of a university by non-educators. As the rise of the American research university in the late nineteenth century was accompanied by the rise of a professional professoriate, faculty members began to question the appropriateness of operating under a governance system that they viewed as a colonial heritage. This criticism mirrored that of Progressive Era reformers who questioned the appropriateness of conducting the governance of the country in accordance with a framework that they also viewed as a colonial heritage: the US Constitution. Publications by Johns Hopkins University philosophy professor Arthur O. Lovejoy and Columbia University psychology professor James McKeen Cattell advocated the reform of university governance in the years immediately preceding the founding of the AAUP, and their goals significantly influenced those of the early AAUP.

Academic freedom cases most clearly demonstrated the wanton power that presidents and trustees possessed in such a system of governance as well as the influence of wealth on the university. Dismissing faculty members because of their teaching, their public utterances, or their criticism of university operations came to be a focal point for the early association. Beginning in the 1890s, such dismissals occurred at times because the views of faculty members contradicted the financial interests of trustees. But the AAUP was not founded specifically as the primary defender of academic freedom that it subsequently became: in addition to bringing about changes to the prevailing mode of governance, the association was founded to serve as a national body to speak for the profession as a whole in response to efforts to organize and standardize American higher education—efforts that the founders did not consider as providing an adequate voice to the burgeoning profession. The most influential organization to advocate the standardization of higher education was the Carnegie Foundation for the Advancement of Teaching. The foundation advocated a rival, and ultimately more successful, reform program to that of the AAUP, as the foundation aimed to curtail micromanagement by governing boards and to empower university presidents. Both Cattell and Lovejoy were active opponents of the foundation, and that opposition animated some of the early activities of the AAUP, in particular, the negotiations with the foundation over the establishment of the Teachers Insurance and Annuities Association.

This book describes the prehistory of the founding of the AAUP, its organizational phase, founding, and the first years of its existence. Most of

the book concentrates on the years from 1915 to 1919. Central to this story is Arthur Lovejoy, who organized the founding meeting and served in two important capacities: as the association's first secretary in 1915 and as its fifth president in 1919. The main period of time under consideration here is thus bracketed by Lovejoy's service as secretary and as president. In between were some of the most influential years of the history of the AAUP. The two years immediately following the founding were primarily concerned with the multiple investigations of academic freedom violations and the writing of the founding document of the AAUP, the 1915 *Declaration of Principles on Academic Freedom and Academic Tenure*, and with the establishment of local chapters. By the third year of the association's existence, 1917, the United States had entered World War I, which was immediately followed by attacks on academic freedom. The AAUP responded to these attacks by retreating from its principles. Finally, the year 1919 saw responses by the association to the challenges, both political and economic, that the immediate postwar period brought to higher education. Because it is not always possible to draw clear boundaries between events based on the calendar, some activities that occurred in the early 1920s but had their origin in the preceding decade are included here. A full treatment of the AAUP's history in the 1920s, an important decade for the association and for the development of US higher education, not to mention later decades, will have to await a separate treatment.

As can be seen from the selection of topics, the shift in focus toward the defense of academic freedom occurred early in the development of the AAUP. Because a number of professors involved in the founding and others invited for early membership objected to that focus, why did the AAUP adopt it? Perhaps the more important question is: Why did the AAUP not continue to pursue the goal of formally reducing the power of governing boards and presidents? This is the more important question because of the relationship between the two questions. Arguably, had the AAUP succeeded in its goal to make the university a "self-governing republic of scholars," in the words of Lovejoy, the development of the association would have proceeded differently. Both the continuing focus on academic freedom and the later shift toward collective bargaining were ultimately responses to insufficient faculty roles in institutional governance. A self-governing republic of scholars would provide a firmer foundation to academic freedom and economic security than the governance structure of the corporate university. Subsequently, neither the reform of the university nor the direction of the industrial trusts by the government, predicted by Cattell in the same breath, came to pass. The subsequent abandonment of both goals in the

1920s was not accidental but tied to the changing political climate, in particular the Red Scare of 1919–20, which decimated the labor movement and reduced the effectiveness of any number of reform movements. The rise of business as a dominant power throughout the 1920s would also affect higher education.

Chapters

The first three chapters give a broad overview of the development of higher education from 1890 to 1915.

Chapter 1 (1890–1915) surveys the growth of US higher education and the accompanying professionalization of the professoriate. Salaries, teaching loads, and the limited protection of tenure, where it existed, as well as participation in institutional governance, limited as it was, were based on a developing system of academic ranks. Because the absence of a professionalized faculty in the early development of US higher education has been cited as a reason for the predominance of the lay governing board, the development of a professionalized faculty was central to the changing attitude toward that governance model.

In chapter 2 (1890–1915), I consider the public discussion of institutional governance that occurred during the Progressive Era and the views of Cattell and Lovejoy on its reform. The second half of the chapter reviews the most prominent academic freedom cases that occurred before the founding of the AAUP and the role that Lovejoy and Columbia University economics professor E. R. A. Seligman played in them. Lovejoy and Seligman would be primarily responsible for the early focus of the association on academic freedom.

Chapter 3 (1905–15) reviews the activities of the Carnegie Foundation for the Advancement of Teaching, which had a significant impact on the standardization of higher education during that period. Although originally established to provide faculty pensions, the foundation expanded its reach into a large number of activities related to higher education and conducted an investigation of faculty dismissals at the University of Oklahoma in 1908, which it used to promote its own views of governance.

The next seven chapters chronologically review the founding and early history of the AAUP.

Chapter 4 (1913–14) is concerned with the Joint Committee on Academic Freedom and Academic Tenure, which was established by three associations of social scientists in 1913 and was the immediate precursor of the

AAUP's Committee on Academic Freedom and Academic Tenure. Chaired by Seligman, the committee produced a preliminary report that served as a first step toward the eventual formulation of the general report of the AAUP's committee as well as the establishment of the committee itself.

In chapter 5 (1912–15), I describe the organizational activities that led to the founding of the AAUP on January 1 and 2, 1915, in New York. While much of that effort was dedicated to discussing criteria for membership, the purpose and proposed activities of the association also received significant attention. The extent to which the association engaged in the defense of academic freedom and the relationship of its activities to that of trade unions proved to be most controversial and yet most central in the subsequent development of the association.

Chapter 6 (1915–16) provides a detailed overview of the first investigations conducted by the AAUP's academic freedom committee, in particular, the cases of the University of Utah and Scott Nearing at the University of Pennsylvania. Rather than concentrating first and foremost on establishing the facts surrounding a particular dismissal, as the investigation of the Ross case conducted by Seligman under the auspices of the American Economic Association had, these investigations concentrated much more broadly on the role of the faculty in institutional governance. This shift provides evidence that the association continued its focus on governance reform rather than concentrating specifically on the investigation of individual academic freedom cases.

Following in chapter 7 (1915–16) is a discussion of the composition of the AAUP's founding document, known today as the 1915 *Declaration of Principles on Academic Freedom and Academic Tenure*, and the rather difficult process of having the association adopt it at its second annual meeting. It further considers the reception of the report by university presidents and educational associations.

Chapter 8 (1915–17) compares two investigations, those at the universities of Montana and Washington. In spite of the rather intricate nature of the respective cases, these cases were strikingly similar yet ended in different findings of the investigative committees. On the one hand, these cases illustrate an internal debate over the purpose of investigations: to seek redress for an individual or to seek the improvement of conditions at the offending institution. On the other hand, their differing outcomes were related to the nature of early investigations, which were in essence substitute dismissal hearings. Following the publication of the two reports, Cornell University economics professor A. A. Young, chair of Committee A on Academic Freedom and

Academic Tenure, proposed to change the focus of investigations toward what is now called "academic due process" and thus to consider the failure of an institution to provide adequate procedural safeguards in a dismissal as sufficient to fault that institution.

In chapter 9 (1917–20), I examine the period from the US entry into World War I in 1917 to the first Red Scare in 1919–20. Occurring on the heels of the adoption of the AAUP's first report on academic freedom, the association failed to defend faculty who were dismissed over their opposition to the war or over mere suspicions that they were insufficiently supportive of it. Committee A's report "Academic Freedom in Wartime" represented a retreat from its earlier principles, yet it received the widespread support of the association's membership, as did the war effort throughout much of the professoriate. The AAUP's stance on defending faculty accused of purported radicalism did not change with the end of the war but largely continued throughout the period that immediately followed it.

Chapters 10 and 11 (1919–20) concentrate on Lovejoy's presidency of the association. Chapter 10 considers the impact of the economic and political developments that occurred during 1919 on the formulation of the AAUP's report on the conduct of university governance. It further considers the response of the AAUP to the first efforts to unionize faculty, which was, in one instance, an outgrowth of an academic freedom case the association investigated.

In chapter 11 (1915–20), I describe the growth of the association, the development of chapters, and changes in its internal organization, much of which received an important impetus during the tenure of second AAUP president John Wigmore. Following at times difficult debates over the adoption of policy statements at annual meetings, the association recognized the importance of chapters in the formation of association policy and adopted a delegate system of representation at its annual meeting in 1919. The negotiations between the AAUP and the Carnegie Foundation over the establishment of the Teachers Insurance and Annuities Association (TIAA) involved widespread discussions of the proposals in local chapters and came to a head in 1919 when Lovejoy served as president.

The final chapter offers the book's conclusion and a brief look at the AAUP in the 1920s. Although the association continued to argue for increased authority of the faculty in institutional decision making, by 1920 the Progressive Era rhetoric of large-scale democratization of the university by the founders had given way to an acceptance of the ultimate authority of the governing board. Not only did the AAUP, like other Progressive movements, lose some of its reformist zeal after the United States entered World

War I, the association also became recognized as the official representative of the professoriate as a member of the American Council on Education. Following these developments, the AAUP adopted a strategy of seeking out other associations with which to formulate joint standards, which by necessity resulted in compromise rather than an attempt to convert institutions to the association's original, purist views on academic freedom and governance.

CHAPTER ONE

No Hired Man

Faculty and the Development of Higher Education

The Growth of Higher Education

Speaking on the occasion of the fiftieth anniversary of the founding of the AAUP, historian Walter Metzger identified the main reasons for the movement to establish the association. These reasons were the extensive changes that had occurred during the preceding decades in US higher education generally and to the US professoriate in particular. Considering the enormous growth in higher education and changes to the academic profession that had occurred after 1890, Metzger noted, "in 1913, a professor taking stock of his profession was bound to be struck by the changes that had taken place within his lifetime, very possibly within the span of his own career." A transformation of higher education had indeed taken place, and professors took notice: contributing to a wide-ranging debate over higher education during those years, many of the founders of the association remarked on these changes in articles they wrote for the public as well as for other members of the profession.[1]

The founding of Johns Hopkins University in 1876 is often cited as the beginning of the development of the American research university, with the founding of Stanford in 1885 and the University of Chicago in 1890 also being important milestones. In addition to the establishment of new universities, older institutions were being transformed. As University of Wisconsin psychology professor Joseph Jastrow remarked in reviewing the span of his own career in 1912, "the ambitious colleges were changing to universities, sometimes prematurely with flourishes on paper unsupported by performance; generally with a sincerity of spirit and policy. Men of my academic generation felt themselves part of this progressive movement. They gained a foothold and as a rule rapid advancement." The professors of Jastrow's

generation were the founders of the AAUP: senior academics who had helped bring about the rise of the American research university.[2]

In 1909, Stanford engineering professor Guido H. Marx documented the explosive growth that higher education had experienced throughout the preceding two decades, which he recognized as a "vast movement of the democratization of the advantages of higher education." According to Marx's calculations, attendance at colleges and universities in the United States had increased from one in seven hundred inhabitants in 1885 to one in four hundred in 1905. Because the number of institutions of higher education stayed roughly the same between 1890 and 1915, while the number of students tripled from about 110,000 to about 330,000, institutional sizes and faculties increased. At the same time, total national expenditures on higher education increased almost fivefold, from about $23 million to about $111 million. The democratization that Marx described—attendance by a larger percentage of the population—required larger expenditures, which overwhelmingly came either from state appropriations or private benefactions. Concern over the influence that was potentially attached to each of these sources of funding was wide ranging at the beginning of the twentieth century, when the influence of wealth and a system of political spoils were being widely scrutinized.[3]

Marx wondered about the relationship between this development and that of society at large, asking whether there was a connection "between this increasing stream of trained young men and women taking up their duties of citizenship, and the great wave of awakening to a higher sense of social obligation and civic righteousness now rising in our country." In fact, the development of higher education from 1890 to 1915 was closely linked to other developments of the Progressive Era, referred to by Marx as "the great wave of awakening." The concept of democratization, for instance, was an important cause of a variety of social reform movements of the era, and it was regularly invoked to call for a number of changes related to higher education. Another central concern of that time was standardization: historian Robert Wiebe described the transformation of a collection of "island communities" to the modern nation-state that occurred during that period and that was mirrored in the rise of a national system of higher education from a collection of "island colleges," to appropriate Wiebe's phrase. The role of the faculty in shaping this national system was arguably one of the most central causes for the founding of the AAUP.[4]

The role of the faculty in the developing system of higher education had two facets: *locally*, faculty were part of a system of governance at their institution, and thus their role in the adoption of standards at a particular

institution depended on their role in that system; while at the same time, *nationally*, associations, foundations, and government agencies influenced the development of these standards in a variety of ways, none of which provided faculty with any significant influence.

National efforts to standardize and rank institutions of higher education included those of the Carnegie Foundation for the Advancement of Teaching, which was created to provide pensions to faculty but extended the scope of its activities almost immediately upon being founded in 1905. Five years earlier, the Association of American Universities (AAU) had been established with an initial goal to "result in a greater uniformity of the conditions under which students may become candidates for higher degrees in different American universities." Finally, the Bureau of Education in the US Department of the Interior, the predecessor of the US Department of Education, hired its first specialist in higher education in 1911 and began to publish much more elaborate statistics and lengthy reports. At the same time, the bureau attempted to produce its first ranking of institutions, which was, however, suppressed by executive order of President William Howard Taft after complaints by university presidents. While all of these efforts were tremendously influential for the subsequent course of US higher education, they provided no opportunity for the involvement of the faculty in defining these standards. While different interests had a collective voice, the professoriate, at the beginning of the twentieth century, did not.[5]

Faculties, Governing Boards, and Presidents

Since the beginning of higher education in the United States, institutional governance has ultimately been based on the lay governing board, which, in a strict legal sense, *is* the university. Having originated in Calvinist Geneva, the lay governing board was transplanted into the American colonies with the founding of Harvard in 1636. As historian Richard Hofstadter has argued, among the reasons for the spread of this governance model throughout the colonies and then the United States—instead of one based on identifying the university with the faculty—was the absence of a professional class of faculty at the time: much of the instruction at the college level was conducted by young tutors who were waiting for a more permanent position among the clergy or else by clergy who were ending their careers with a teaching assignment. Johns Hopkins University philosophy professor and AAUP founder Arthur Lovejoy observed that, as late as the middle of the nineteenth century, "if you examined a professor closely you would find a clergyman more or less imperfectly disguised." Citing a colleague, the distin-

guished classicist Basil Gildersleeve, Lovejoy noted that at that time faculty were "largely returned missionaries who had been unsuccessful in the foreign field. Having proved ineffectual with the heathen, they were, by way of consolation, permitted to try their hand upon our young barbarians all at play."[6]

Descriptions of the organization of the university from that time considered it to consist of two bodies: the trustees and the faculty. A third, separate entity of professional administrators generally did not yet exist. Instead of being considered as belonging to a third category, the university president was a member of both the governing board and the faculty, while deans and department chairs were members of the faculty. As Hofstadter remarks, the central role of the president in the development of US higher education is based on the fact that in the seventeenth and eighteenth centuries, the university president was usually the only permanent faculty member, or one of only a few, while the remaining teaching staff consisted of tutors who came and went. Thus one of the reasons for the existence of governing boards was to provide stability that was lacking within the faculty. Yet when the faculty itself became stabilized and professionalized, governing boards remained a mainstay of the American system of institutional governance.

The development of the American research university at the turn of the twentieth century was accompanied by significant changes to the composition of faculties and governing boards and to the role of the president. The rise of the American university was also the rise of the "monarchs" in Clark Kerr's words, or the "captains of erudition" in Thorstein Veblen's: the presidents of that time were university builders such as Charles William Eliot at Harvard, William Rainey Harper at the University of Chicago, and Nicholas Murray Butler at Columbia University. And so, although presidents still regularly rose from the faculty and—according to a survey of some forty colleges and universities conducted in 1917—about 20% of university presidents regularly taught, they became less identified as a member of the faculty and instead began to establish themselves as belonging to a separate category.[7]

As the role of the president was changing, the composition of faculties and governing boards was changing as well. Faculties became professionalized—they were dedicated to higher education as a vocation with continuing employment rather than as a resting place between other occupations—and businessmen and corporate lawyers increasingly populated governing boards. The composition of governing boards began to change after the Civil War. By one calculation, the percentage of "bankers, businessmen, and lawyers" on governing boards increased in private

institutions from 48% in 1860–61 to 70% in 1920–21, and in state institutions from 67% to 82% during the same period. Having been dismissed by two different governing boards over his extramural utterances, economist Scott Nearing observed in 1917, "The term 'subsidized press' has been worn thin from over-use. It was coined to the idea that the newspapers belonged to the business world and therefore worked in their interests. A new term must be coined to suggest the idea of an educational system . . . dominated by the business world. Perhaps 'plutocratized education' will prove as acceptable as any other phrase."[8]

Although presidential powers were already relatively well established during the early twentieth century, the involvement of governing boards in the day-to-day operations of universities was higher than it customarily is today. While one of the objectives of the founders of the AAUP was to reform university governance by increasing the power of faculties, the Carnegie Foundation promoted a competing reform movement to increase the power of university presidents. In the view of the foundation, as well as of some university presidents, the role of the governing board should be to govern and not to administer. For instance, one of the studies conducted on behalf of the foundation found, "At the University of Wisconsin, the executive committee of the Board of Regents . . . approve[s] every requisition for the purchase of supplies. In some cases these requisitions amount to a few dollars, and in only few cases do they amount to more than one thousand dollars. It has been some time since the board of directors of any properly organized industrial establishment has done detail work of this kind."[9]

In the end, while the authority of the faculty over academic matters certainly increased following the founding of the AAUP, the Carnegie Foundation was ultimately more successful than the AAUP in changing the balance of power in the American university toward the president.

The Professionalization of Faculty

The development of a professional faculty that accompanied the development of the American research university was a further impetus for the founding of the AAUP. Writing in 1914, Arthur Lovejoy noted that the main conditions for the professoriate to become a profession were fourfold: "that men in considerable numbers should adopt it deliberately and from the outset as their career; that the distinction between its aims and functions and those of both the clergyman and the schoolteacher should be recognized; that the prerequisites to entrance upon it, the mode of initiation, should be

defined; and that proper and readily accessible means for securing the requisite professional training should be provided."[10]

In somewhat different terms, Metzger provided a similar analysis that stressed the following three developments: the secularization of faculty training, the institutionalization of academic research, and the organization of academic specialties. These developments correspond to Lovejoy's conditions.[11]

The rise of the PhD degree, as Metzger pointed out, secularized the training of faculty members, which in turn created a clear distinction between professors and clergy, and provided the prerequisite to enter the profession. The institutionalization of academic research was the source of the distinction between professors and schoolteachers, a distinction that would play a significant role in discussions over membership requirements for the AAUP. Finally, the organization of academic disciplines led to the professionalization of these disciplines, which preceded and enabled the professionalization of the professoriate as whole. The professionalization of academic disciplines was distinct from the professionalization of the professoriate, however; perhaps the most central distinction between them was the focus of the latter on institutional governance, a central focus of the founders of the AAUP.[12]

Faculty Rank and Demographics

One way to document the standardization of higher education and the professionalization of the professoriate is through the spread of a system of academic ranks, a feature of this period that appears to have received relatively little attention compared to other aspects of faculty professionalization. In a study of faculty lengths of service at tertiary institutions, referred to in that context as "tenure," Paul Reinert observed that, during the period 1900–1940, two trends can be discerned: the abandonment of systems in which no rank or only a single rank is used, and gradual stratification into a standard system of ranks that usually consists of instructor, assistant professor, associate professor, and professor.[13]

The study considered a total of thirty institutions of varying sizes, including ten public, ten private, and—because of a specific interest of the author—ten Catholic institutions. It found that in 1900, all private institutions with enrollments over two thousand students had already adopted the standard system of ranks, and it can be observed that by 1910, all larger public institutions did as well. Also, in 1900, eight of the thirty institutions had no ranks, which fell to five by 1920 and one by 1940. By 1920,

all institutions in the sample with enrollments over one thousand students grouped their faculty into the four different ranks, while smaller institutions made more selective use of a smaller number of ranks. Thus, over the course of the first two decades of the twentieth century, a system of ranks spread from the larger research universities. This system defined the entry into the profession and the progression of careers through it, and these ranks were used to define the salaries of faculty as well as a range of responsibilities, such as teaching loads and assignments as well as participation in institutional governance. A survey of the University of Wisconsin in 1914, for instance, found that instructors taught about a third more hours per week than professors, and a survey of AAUP chapters published in 1920 found that only about a third of institutions included instructors in university-wide faculty meetings or in departmental meetings.[14]

The study also considered the distribution of faculty among these ranks. In particular, in the larger public and private institutions, which already had adopted the standard system of ranks relatively early, one can observe that, as enrollment and faculty size grew, the percentage of faculty at the rank of professor gradually fell. From 1900 to 1920, the percentage of professors dropped at private institutions with enrollments of over two thousand students from 61% to 41%, and at public institutions of the same size from 65% to 32%. During the same time, the percentage of instructors at these institutions increased from 25% to 35% (private) and from 21% to 38% (public).

The increased percentage in the lower ranks brought with it a certain status anxiety for the upper ranks—the professors of Jastrow's generation. As Guido Marx stated, "it is to be feared that the world at large fails to appreciate our fine distinctions of adjunct professors, associate professors, full professors, senior professors, deans, and directors. To the man in the street we are all 'professor,' weary as we may grow of the title, and he looks to us to live up to our position." This kind of status anxiety played a significant part in the considerations for membership in the AAUP during the organizational phase, and it was the primary reason for the restricted criteria for membership of the early years of the association.[15]

In addition to distribution among ranks, other considerations of the composition of the teaching profession were gender and race. While the percentage of women faculty rose between 1900 and 1920 from 24% to 28% across all types of institutions, the vast majority of this increase was restricted to specific types of institutions. The percentage of women faculty at private, male-only institutions—most of the Eastern research universities—increased from 0.6% to 0.7%, while the percentage of women faculty at both land-grant and other public institutions increased from 8% to 14%–19%

during that time. On the other hand, the percentage of women faculty at private women's colleges rose from 71% to 75% in the same period. Teachers' colleges and normal schools also had relatively high percentages of women faculty. The distribution of faculty by race was significantly more one-sided: although some African Americans were admitted as students to research universities and obtained doctorates there, African American academics could only find appointments at institutions for African Americans. The founders of the AAUP, who were mostly senior professors hailing from prestigious research institutions, were overwhelmingly male and exclusively white.[16]

The Tenure System and Rank

Among the eventual contributions of the AAUP to US higher education, the establishment of a well-defined, standardized tenure system is perhaps the most important. Although our current system did not exist at the time of the AAUP's founding, there was a tenure system that was based entirely on rank. While some institutions kept all faculty on annual appointments, at institutions where an expectation of tenure existed, it was associated with some or all of the professorial ranks, most often with the rank of professor. Instructors were usually on annual appointments, while at many institutions professors had an expectation of indefinite tenure. Even though the full complement of what has come to be known as "academic due process" was not included in the definition of "tenure," the founders of the AAUP and faculty members more generally, as well as presidents and trustees, understood that a faculty member at a professorial rank could not simply be "non-reappointed" at the end of an academic year, while an instructor could. Professors could be dismissed, or, more commonly, asked to resign. But the primary difference between such dismissals and the protection offered by the current version of tenure is that the older system lacked the provisions of academic due process, such as a hearing by an elected committee of peers before dismissals. The other main feature of our current system of tenure that was missing during most of the first half of the twentieth century is that of a probationary period of fixed length. Instructors—and at many institutions assistant professors—were on appointments that had some similarity to the contingent or non-tenure-track appointments of today: these faculty were eligible for tenure in the case of promotion at some unspecified point in the future.[17]

Problems with the lack of a probationary period of fixed length were numerous. Promotions, which were usually either at the discretion, or at least

under the heavy influence, of the president, were frequently tied to vacancies in the professorial ranks. Given the distribution of faculty in ranks, faculty in the lower ranks could see that their chances of advancement were limited. Guido Marx further confirmed this observation in a study of 250 assistant professors at twenty-two institutions with membership in the AAU. Based on 120 survey responses received, Marx noted that the median age of respondents was 36, the median number of years of university service (including at ranks below the current rank) was nine, and the median number of years at the rank of assistant professor was five. Twelve percent of respondents had been at the rank of assistant professor for ten years or more. That 25% of respondents were above the age of 40, Marx noted,

> points decidedly toward the existence of a class of permanent assistant professors. This . . . must seriously modify the prevailing view that assistant professors are young men temporarily occupying the rank on their march toward full professorship. If this point be well taken . . . an entire readjustment of attitude toward the assistant professor is due. Compensation based upon the old conception will be found inadequate, and old forms of faculty organization and departmental administration will be found unduly repressive and subordinating toward amply tried and experienced men.

Yet presidents saw the value of that system. Harvard president Charles William Eliot noted that "it is of great importance that there should be a large body of young men on a university's staff who hold only annual appointments," so as to have a large number of younger faculty from which to select some individuals for promotion into the professorial ranks.[18]

While the difficulties that this system presented were well documented, the founders of the AAUP were not initially inclined to pay much attention to it, but rather concentrated their efforts on establishing the association for faculty with standing in the profession.[19]

The Tenure System: Standards and Prevalence

To study the tenure system of the early twentieth century, one can consider two different sources. On the one hand, one can look for what standards existed before the AAUP regularized them; on the other hand, one can consider empirical studies of the prevalence of indefinite appointments by rank. Both approaches are valuable, particularly because the latter can help determine the veracity of the former.

What should be counted as a "tenure standard" before 1915? Perhaps the best source to answer this question is the Carnegie Foundation, among the

most active of the "standardizers" of the period. In response to an inquiry by a university president requesting information about "the custom of the best colleges and universities with regard to tenure of office of the full professors," the Carnegie Foundation responded in 1914 by pointing to the publications on the topic by two of the most prominent university presidents of the era: Harvard's Charles William Eliot and Wisconsin's Charles Van Hise.[20]

In 1908, Eliot published a book titled *University Administration*, which provided a general overview of governance practices, including practices related to appointment, tenure, and promotion. Harvard under Eliot was generally recognized as providing exemplary opportunities for faculty participation in governance, and thus the standards Eliot identified can be presumed to express an ideal that was not universally adopted. The general definition of tenure provided by Eliot was as follows:

> The statute which defines the tenures of office throughout the university is of fundamental importance; for it is practically the expression of a contract between the university and its teachers and administrators. This contract ought to provide for life-tenures after adequate periods of probation. Life-tenures in a permanent service are by far the most economical and effective; but they are impossible in a service which must always be kept in a high state of efficiency, unless the incumbents have been so well proved, that nothing but bodily disability, or some similar calamity, can interfere with their usefulness, and also unless a pension system provides for the humane retirement of incumbents whose efficiency is impaired.[21]

Speaking at a meeting of the AAU, Van Hise observed that, "in general, the appointments of professors are 'during good behavior,' or 'at the pleasure of the board.' In some institutions the appointments are of indefinite tenure, or permanent. In all cases the meaning is the same, that the appointment is one for life to the age of retirement, provided the appointee is efficient."[22]

While we would no longer consider "at the pleasure of the board" to mean "indefinite tenure," both Eliot and Van Hise stressed that professorial appointments carried the expectation of permanency. That Van Hise considered the two terms to be synonymous indicates the limitation that the absence of academic due process placed on tenure. Nevertheless, as Metzger remarked about that period, "tenure as a well-grounded expectation—that is to say, as a deservedly confident belief that one's appointment would be allowed to continue until resignation or retirement—was real enough: it fed on a variety of authoritative signals, informal understandings, personal ties, and calming precedents."[23]

The prevalence of these standards can be assessed through surveys of institutions regarding their appointment practices. Three early surveys are the one conducted by Van Hise, which he presented as part of his address in 1910; the Colorado College governance survey of 1917; and an unpublished survey by University of Washington president Henry Suzzallo from 1919. Before discussing the results of these surveys, it should be noted that the educational survey was an important invention of the early twentieth century. Adapted from the developing social sciences, educational surveys provided information about "best practices" for the emerging system of American higher education, and they are invaluable for the study of that system today.[24]

Van Hise's survey of the twenty-two members of the AAU in 1910 found that nineteen institutions provided life appointments for full professors upon appointment, while three institutions allowed for the option of appointing professors to fixed terms, in one case as a probationary period before an appointment with an indefinite term. Henry Suzzallo's unpublished survey of twenty research universities in 1919, with over half of the sample being public institutions, came to the same conclusion, with only two public institutions appointing professors annually. Suzzallo's survey also found that twelve institutions appointed associate professors indefinitely, five appointed them to fixed terms, and three institutions did not have that rank. Only five institutions appointed assistant professors to indefinite terms.[25]

The Colorado College survey of 1917 is perhaps the earliest but certainly among the most detailed surveys of governance practices of its time. Reporting on the tenure policies of sixty-two colleges and universities, the survey found that only eight institutions appointed professors to fixed terms, with forty-eight institutions appointing professors for life or "at the pleasure of the president of board," some after a probationary period, while tenure at six institutions was not defined at all.[26]

Retirement and Pensions

As both Van Hise and Eliot pointed out, professorial appointments ended at retirement, usually at age 65. It was common practice to continue to appoint professors on an annual basis past retirement age, which, as Columbia University psychology professor James McKeen Cattell observed, was fraught with problems:

> The situation of the professor is peculiar because the continuation of his work after the age of sixty-five years depends on the favor of the president.

> The president decides each year whether the professor shall be kept on, judging his competence for the work, and being influenced by other considerations, such as the means of the institution, the availability of a successor, the professor's "loyalty" to him personally, and the like. The whole theory of permanence of tenure on which the low salary of the professor is based breaks down at the age of sixty-five.[27]

Few institutions provided pensions at the beginning of the twentieth century, and the low salaries of professors, which were noted by Cattell but were also a regular topic of discussion throughout that period, did not usually provide professors with sufficient retirement savings. Some institutions instituted the rank of emeritus professor, customarily carrying with it a reduced teaching load at half salary.[28]

Some professors resented their annual reappointments past retirement age yet feared to end up like the protagonist of James Lincoln's "Superannuated," a short story published in 1905 that described the last days of a professor who was being retired, without a pension, by his president. The president explained that, in spite of the inclination of some of the trustees to establish a pension program, he did not think the professor would wish to accept "any grant that might seem to savor, however remotely, of charity," and then ran off in a hurry because he had "two other superannuated professors to dismiss" before dinner with wealthy donors.[29]

On the other hand, presidents and deans grappled with the issue of professors whom they deemed to be no longer competent yet who, in the absence of a pension system, would be destined for poverty if forced to retire. Speaking on the topic of faculty pensions at land-grant institutions, dean of the College of Agriculture at the University of Illinois, Eugene Davenport, indicated that governing boards tended to avoid forced retirement under the current system because it caused resentment by the public, yet, as a result, the failure to retire faculty retarded institutional growth and the careers of younger faculty waiting for promotion.[30]

The problem of retirement and pensions loomed large both for faculty and institutions at the beginning of the twentieth century, and it proved to be one of the main topics that the AAUP took up in its early years.

Appointments, Promotions, and Dismissals: Governance Roles

While both Eliot's and Van Hise's accounts agree that professors had an expectation of lifetime appointment, they note that this depended on their

service continuing to be "efficient." Of course, the crux of the matter was how "efficiency of service" was defined and who had the authority to determine that a faculty member's service was no longer efficient. Given the direct relationship between tenure and rank, a similar question pertains to appointments and promotions, and thus more generally to the role of the faculty in institutional governance.

On the basis of a review of governance practices at 103 institutions, the Colorado College survey divided these institutions into three categories, described as "autocratic," "democratic," and "divided." Autocratic institutions were those where power is largely centralized upon the president or governing board. Democratic institutions were those where the faculty has formal roles not only in appointments and promotions but also and particularly regarding the budget. Finally, the category of institutions with divided control indicates that different functions were the responsibility of different groups in the governance system. The survey found the 103 institutions to be divided fairly evenly across the three categories: thirty-nine autocratic institutions, thirty-seven democratic institutions, and twenty-seven institutions with divided governance. The survey drew some additional conclusions about institutional size and age, finding autocratic governance to be prevalent among small institutions and democratic governance among large ones, with autocratic government being prevalent among older institutions and democratic government among recently founded ones. From these observations, the survey determined that the increasing recognition of the importance of the faculty was reflected in the organization of more recently founded universities and further predicted that the growth trend of institutions would lead to the wider adoption of democratic governance among older institutions.[31]

Speaking again from the perspective of Harvard, Eliot saw generally that academic governance in "well-established universities" was "neither autocratic nor democratic, but constitutional," by which he presumably meant that it consisted of a system in which there was an explicitly recognized distribution of powers. Eliot's choice of the term "constitutional" is interesting, given another finding of the Colorado College survey: "constitutional documents" of many universities—charters and bylaws—simply defined the corporate powers of the board and disregarded the role of faculty entirely. Because the faculty frequently had involvement in institutional governance, these constitutional documents were described in the survey as "strikingly at variance with actual practice." What Eliot described as a "constitutional" arrangement was thus based on custom and not on contract or law.[32]

While the findings in the various surveys confirm the standard described by Eliot, his description of faculty-board relations was perhaps more

strongly influenced by the situation at his institution. Eliot believed that "an experienced board of university trustees will always maintain a considerate and even deferential attitude towards the experts whom they employ as regular teachers, occasional lecturers, and permanent administrators. They stand to these experts in an entirely different relation from that in which a business board of directors stands towards its employees." The prevalence of autocratic control—in particular with respect to appointment, promotion, and dismissal—led professors outside of Harvard to experience that relationship quite differently. As one observed, "Unless American college teachers can be assured . . . that they are no longer to be looked upon as mere employees paid to do the bidding of men who, however courteous or however eminent, have not the faculty's professional knowledge of the complicated problems of education, our universities will suffer increasingly from a dearth of strong men and teaching will remain outside the pale of the really learned professions."[33]

Faculty members at the early twentieth century began to see themselves as part of a professional class and observed how their actual status differed from that of other professions. That difference was primarily the result of the prevailing mode of governance. The goal of the founders of the AAUP—to promote the professionalization of the professoriate—would center in part on overcoming the status of the professor as a hired man. First and foremost, this goal would center on changing the balance of power in the American university.

CHAPTER TWO

University Reform
Governance and Academic Freedom

The Progressive Era

The Progressive Era, a period in US history that is usually dated from the beginning of the twentieth century to the US entry into World War I in 1917, had as one of its defining features a large number of local, regional, and national reform movements. These movements advocated social and political changes to address societal problems caused by industrialization, urbanization, and mass immigration. Such problems had increased in intensity throughout the last several decades of the nineteenth century, a historical period referred to as the Gilded Age. Professors played an active part in these movements, and among the founders of the AAUP were a number of highly active Progressive reformers. Some of these were Columbia University economics professor E. R. A. Seligman, who was engaged in municipal reform in New York; Harvard University law dean Roscoe Pound, who had been engaged in judicial reform in Chicago while a faculty member at Northwestern; and Columbia University philosophy professor John Dewey, who advocated educational reforms throughout his entire career.[1]

Before the AAUP came into existence, one of the goals set by several of its earliest founders was "university reform"—sweeping changes to the governance of colleges and universities. James McKeen Cattell, who first proposed the formation of an association of university professors, and Arthur Lovejoy, who was the main driving force behind the association's organizational movement, both presented proposals on how to change the balance of power in the American university. Some of its founders conceptualized the AAUP as a Progressive reform movement, and, in fact, the rhetoric employed in advocating university reform—that of "democratizing the university"—mirrored the rhetoric of other Progressive reform movements,

particularly the movements for political reform that included such innovations as the primary, recall, and referendum. The main argument for university reform was that the traditional mode of governance, in which a lay governing board appointed and empowered a president, was no longer adequate for the modern university. The same argument was at the heart of Progressive criticism of the political order: it was no longer adequate for a modern society that had changed as a result of the social developments of the Gilded Age.

The Progressive argument for the inadequacy of the US Constitution was primarily based on its perceived discrepancies relative to the democratic ideals of the United States. As literary historian Vernon Louis Parrington put it, "perhaps the chief contribution of the Progressive movement to American political thought was its discovery of the essentially undemocratic nature of the federal constitution." Parrington particularly cited Progressive Era academics J. Allen Smith and Charles A. Beard as proponents of this view. Smith, for instance, observed in 1907, "it could hardly be expected that a political system set up for a community containing a large slave population and in which the suffrage was restricted, even among the free whites, should in any large measure embody the aims and ideas of present day democracy." Reformers criticized the "checks and balances" of the US Constitution, in particular after the Supreme Court had struck down reform legislation. Herbert Croly, a publicist and political theorist of the Progressive Era, argued that democratizing the Constitution should focus on providing for its amendment by majority vote of the population.[2]

The development of the American university accompanied the rise of the Progressive Era. Its development occurred alongside the development of the American conception of academic freedom, which was strongly influenced by the German conception. In the late nineteenth century, many American academics had obtained their PhD degrees abroad, most often in Germany. When these American academics returned, they found that the academic profession for which they had obtained their degrees did not give them the same status and professional autonomy that they had come to expect. Comparing university governance of German and American universities on the one hand and political governance in both countries on the other, commenters noted a paradoxical inversion. The governance of the German university was more akin to the political governance of American democracy. On the other hand, governance of the American university was more akin to that of German absolute monarchy, although critics of university reform often tried to temper this observation by pointing to the significant state control of higher education in Germany. Nevertheless, the movement

for university reform was tied to the goal of establishing the professional status of the professor, with the professional status that German professors had achieved being the ultimate goal. Not only were they highly esteemed civil servants, German professors also had a significant amount of professional independence, which could most immediately be seen in the German conception of academic freedom.[3]

James McKeen Cattell and *University Control*

James McKeen Cattell (1860–1944) was the most prominent academic gadfly of his time. He was an outspoken critic of the prevailing order of university government throughout the first two decades of the twentieth century. Cattell had been a student of the German psychologist Wilhelm Wundt in Leipzig. An eminent experimental psychologist, he was the editor of several scientific journals, including *Science*, in which he regularly reported on the dismissals of professors and commented on other issues in higher education. Cattell served as president of the American Psychological Association in 1895 and of the American Association for the Advancement of Science in 1924.[4]

Cattell was appointed at Columbia University in 1891. In 1902, Nicholas Murray Butler, who had recruited Cattell, became president of Columbia, and by 1905, Cattell and Butler had developed a fractious relationship. As one of many examples that had convinced Cattell that Butler was the embodiment of "academic autocracy," that year the trustees acted on Butler's recommendation to remove the right of the faculties to select their own deans. Cattell severely criticized that decision. In response, Butler simply noted that Cattell had been the only member of the faculty to complain. Yet when Cattell proposed the establishment of a faculty executive committee with the intention of "giving the faculty greater control," the faculty approved it over Butler's opposition. Cattell's acerbic wit was frequently on display when criticizing university governance: "the disease which is endemic in the university is subordination of the teacher to the academic machine, a kind of hookworm disease which leaves the entire institution anaemic." He was repeatedly threatened with dismissal because of his insubordinate views, but apparently also because of his sometimes eccentric behavior.[5]

Cattell began to publish his program for university reform in a series of articles titled "University Control" in 1906. That year, in response to a change in faculty appointment practices by Butler, Cattell proposed in a faculty meeting to establish the formal right of departments to nominate candidates for faculty appointments. Apparently in order not to directly oppose

the president, the faculty voted against it. The following year, Cattell sought to revive the issue when he complained to Butler that the faculty had voted against the proposal without discussing it. Pointing to what he saw as his colleagues' reason for the vote, Cattell noted that the faculty was "so used to the idea of a paternal president who takes care of us all that there seems to be a certain lack of loyalty in questioning his plans for our welfare." Cattell added, "I trust that we all agree in principle that in educational matters the president should be the executive officer of the faculties and subject to their direction." This last observation caused a rather stern rebuke by Butler, reminding him of the statutory rights of the president.[6]

Cattell was certainly aware of the powers of the president. He responded to Butler that he understood what they were, adding: "Neither do I misunderstand the relative powers of the trustees, the president and the faculties, or the system by which the autocracy of the president is in what you call 'detailed matters' handed down to subordinate officers or committees. It is exactly the extension of this department-store system to the faculty of the college against which I protest. . . . The existing bureaucracy must produce either faculty disorganization or faculty solidarity; and the outcome is vital for the future of our universities." Perhaps as a consequence of this last insight, Cattell was actively involved in the founding of the AAUP; in fact, in 1912, Cattell was the first among the eventual founders to call for its establishment. Cattell identified as the objects of such an association "to promote the interests of the universities and to advance higher education and research, with special reference to problems of administration and to the status of the professors and other officers of the university."[7]

Cattell subsequently published *University Control* in book form together with letters from professors to whom he had sent his proposals for comment. He had received some three hundred replies, of which only 15% favored retaining the current system—the remaining replies advocated greater faculty control. Cattell observed, "This is surely a condition which foretells reform or bankruptcy." Anticipating concerns over the corporatization of higher education by many decades, Cattell proclaimed, "the administration imposed on universities, colleges and school systems is not needed by them, but simply represents an inconsiderate carrying over of methods current in commerce and politics." Instead, Cattell advocated that "the university should be a democracy of scholars serving the larger democracy of which it is part." Central to university reform were changes to the office of the president and the organization of governing boards. Cattell noted, "the trouble in the case of the university president is that he is not a leader, but a boss. He is selected by and is responsible to a body practically outside the university,

which in the private corporations is responsible to nobody." The lack of responsibility to which Cattell pointed was a result of the self-perpetuating nature of boards: trustees elect their fellow trustees, and, because members are selected by co-optation, they are not responsible to the public. Cattell's proposal to remedy this lack of responsibility included having the governing board be elected by a corporation consisting of the faculty, the other officers of the university, and the alumni. The role of the trustees would simply be to exercise oversight. The election of the president would be the responsibility of the faculty alone.[8]

Cattell recognized that critics doubted that faculty were capable of exercising the responsibility he wished to assign to them. Rather than seeing the supposed inability of faculty to be actively involved in institutional decision making as the *reason* for administrative or trustee control, however, he saw it as the *result* of limiting the authority of faculty: "it has been said that university faculties are poor legislative bodies; if true, this would not be surprising, so long as their deliberations are confined to discussing questions such as whether they shall wear gowns at commencement, the decision being with the trustees." Nevertheless, Cattell recognized that the changes that he advocated could not be instituted suddenly.[9]

Although a large percentage of respondents indicated a desire to see changes, not all of them agreed with some of the specific proposals, particularly with respect to the selection of presidents and trustees. Yet Cattell's views directly influenced those of Lovejoy, who advocated a program similar to Cattell's on the eve of the founding of the AAUP, and even some generally considered conservative, such as Seligman, held views that shared Cattell's Progressive optimism for democratic reform of the university. While Lovejoy and Seligman differed with Cattell regarding the scope and speed with which university control should be reformed, they agreed that the prevailing order would change, as did first AAUP president John Dewey, who would speak along similar lines at the founding meeting of the association. Cattell actively participated in early activities of the association, although never in any position of leadership. Following his dismissal from Columbia in 1917, his influence waned within the AAUP, although he maintained regular correspondence with Lovejoy.

Democratic Rhetoric and Faculty Governance

The use of democratic rhetoric to advance the goal of faculty participation in institutional governance has been criticized by contemporary theorists of university governance, such as historian Larry Gerber, who noted that "it is

misleading to base the faculty claim to a primary role in academic governance on strictly democratic principles," adding "a college or university may be a community, but it is not a polity in which all are entitled to an equal voice in determining the way the institution ought to be run." Gerber remarked that the proper basis for faculty participation in governance should instead be "deference to professional expertise."[10]

Rather than considering the relationship between democracy and expertise in absolute terms, it is important to recognize that this relationship has been subject to change, and thus the assessment of democratic claims for faculty control should take into account the prevalent views of the time. While the principles of democracy and expertise differ and have at different times been at odds, historian Richard Hofstadter has observed that the Progressive Era in particular represented a rapprochement between the two. Hofstadter states about the era, "the tension between democracy and the educated man now seemed to be disappearing—because the type of man who had always valued expertise was now learning to value democracy and because democracy was learning to value experts." In fact, the professionalization of faculty was accompanied by the recognition of these experts as valuable in advising the government on how to address problems "scientifically."[11]

Cattell himself held, from our current perspective, somewhat extreme views on the role of experts in a democracy. In 1904, Cattell wrote, "as science increases in range and in detail, expert advice and decision as a basis for legislation become more necessary. It is by no means unreasonable to look forward to a time when the scientific or advisory department of the government will rank co-ordinate with its executive, legislative and judicial departments." He also devised a "program for radical democracy" in the United States, which, in addition to free universal health care, a minimum wage, and the reduction of the US president to the status of "the executive officer of the Congress," advocated "delegated and expert government" that was nevertheless to be "responsible to the people." Cattell's views very much reflected the optimistic attitude of the Progressives toward democracy: "our political organization and our politicians have advanced more slowly than the intelligence and the moral sense of community."[12]

Thus, from Cattell's perspective, the use of democratic rhetoric to advance the reform of university governance was as much a reflection of his view of democracy as it was a reflection of his views on basing democratic governance on expertise: "True democracy does not consist of government by the uninformed, but of government by those most competent, selected by and responsible to the people." Yet in spite of Cattell's optimistic outlook for

democratic control in universities, the rhetoric of democratization had previously been employed to advance popular control of state universities, which at times restricted academic freedom. And so one might expect a certain caution over the use of such rhetoric, given concerns over its abuse.[13]

Popular or political influence on state universities was widely recognized as problematic throughout that period, particularly during the height of the Populist movement in the 1890s. It continued, especially in Western state universities, throughout the Progressive Era. For instance, a 1904 monograph on the American university found that the universities of Michigan and Wisconsin had overcome such difficulties, but

> in others the constant changes in political complexion of the legislature, and the self-seeking of party leaders, have made the universities mere shuttlecocks of public or party opinion, and not only has their development been hindered, but in some cases their usefulness deliberately crippled. Instances are not unknown where particularly able and courageous professors, who would not cut their scientific opinions after the prevailing fashion in politics, have been driven from their chairs, even by outrageously underhanded methods.[14]

The movement against such political influence on state universities, which was part of the broad effort of university reform rather than based on an antidemocratic impetus, should be seen as part of the "good government" movement of the Progressive Era that opposed machine politics and the spoils system. The democratic rhetoric of Progressive university reformers in the face of Populist attacks on the university can be explained by the observation that "because the Progressives believed that the American people are 'at bottom just, virtuous, and hopeful,' their proposed cure for the ills of democracy was more democracy."[15]

On the other hand, some opponents of increased faculty responsibility cited democratic principles as well, such as University of Wisconsin president Charles Van Hise, who noted that "throughout history it has been the desire of the privileged classes to allow none but the members of the class itself to remove, reduce or punish its own members, and oftentimes these desires have been recognized. But in modern times for the majority of civilized nations, such privileges have been taken from the nobility; they are not likely to be instituted for the class of professors in America." The fact that democratic rhetoric was marshaled both for and against faculty control in matters of governance makes it clear that there was more tension between the two concepts than participants in this debate admitted, in particular when even some of those who advocated "democracy" were quite willing to exclude instructors and other faculty below the rank of professor from par-

ticipation in governance. Advocacy for democratization by Progressives at times featured gaps between ideology and practice—a fact that historians have found in other contexts, such as municipal reform.[16]

The extent to which the perceived relationship between democracy and expertise depends on the current political climate can be further illustrated by the chasm that the McCarthy era created between the two. At the height of that era, historian Stanley Rolnick wrote that, because academic questions are not settled by popular vote, the methods of democracy and scholarship are inherently dissimilar. Thus Rolnick claimed that "much of the misunderstanding of the role of the professor in American society can be traced to an imperfect perception of the differences between processes of higher learning and political democracy." Similarly, writing a few years after the end of that era, Robert K. Carr, chair of the AAUP's Committee A on Academic Freedom and Tenure, wrote, "American higher education is just emerging from a difficult post-war period . . . in which the administrative officers and governing boards of a good many institutions of higher learning have shown an alarming tendency to sacrifice essential aspects of the academic way of life to the crass pressures of power-hungry politicians and 'know-nothing' elements of the public." Thus, rather than stressing an inherent conflict between democracy and expertise, it is worth considering the relationship between the two at any given time in order to assess the appropriateness of democratic rhetoric to advance the role of academics in institutional decision making.[17]

Arthur O. Lovejoy and *The Profession of the Professorate*

Arthur O. Lovejoy (1873–1962) was the primary founder of the AAUP. Having taught at Stanford University, Washington University (St. Louis), and the University of Missouri, he taught at Johns Hopkins University from 1910 to 1938. Lovejoy served as the first secretary of the association in 1915 and as president in 1919. He also served as president of the American Philosophical Association in 1916–17. His primary interest was in the history of ideas, to which he contributed articles as well as his monograph *The Great Chain of Being*.[18]

While Lovejoy maintained regular correspondence with Cattell and was clearly influenced by his thinking on matters of governance, he held some views that were distinct from Cattell's. Writing in 1912, before the publication of *University Control*, Lovejoy wrote to Cattell, "I have never entirely sympathized with that part of your scheme which contemplated the virtual abolition of the university presidency. That our presidents should be toned

down, have their powers clipped, and their pretensions abated, and be hedged about with constitutional limitations, I agree." Lovejoy believed that presidents were still needed; however, they should not be "bosses or irresponsible overlords, but leaders, expert advisers on more general educational questions, and representatives of the collective interest of the institution and of scholarship."[19]

In 1914, Lovejoy wrote a programmatic statement on the professionalization of the professoriate generally and the goals that should accompany it specifically. Although Lovejoy outlined the interests of the professoriate for the maintenance of academic freedom, he believed that the most important issue for the profession to address was "the question of the relation of the professorate to the government of universities and the control of their policies." Noting that the university consisted of "two legislative bodies," the faculty and the trustees, he observed that there was too little direct communication between the two because communication was conducted by the intermediary of the president. Echoing Cattell's concern over the role of the president in university government, Lovejoy found that the mediating function of the president would not likely be exercised well because the president "is not chosen by or in any way responsible to one of the two bodies whose general point of view and whose specific conclusions he is supposed to represent before the other body."[20]

But Lovejoy advocated going further than simply increasing direct faculty-board communication, as the development of the university now required "a reapportionment of the powers and responsibilities of the two bodies, and the establishment throughout the country of a rather different conception from the one which still extensively prevails as to who constitute a university." Lovejoy made it clear that the current levels of authority of faculty in such areas as recruitment, advancement, and the "conditions of tenure in office" were inadequate, and that "no arrangement in which the university teaching profession has even a limited jurisdiction over university policies only upon sufferance and by a sort of double delegation of authority . . . [and] in which its only legal or formally recognized status in the universities whose work it carries on is that of a body of employees of corporations composed of members of *other* professions . . . is likely to be regarded as permanently endurable by the university teachers of America."[21]

Citing the level of opposition to the then-prevalent system of governance found in Cattell's survey in *University Control*, Lovejoy formulated the goal of university reform: "the only ultimately admissible conception of a university is that it consists of the guild of scholars who carry on its distinctive function; and this guild should be a virtually autonomous body, with offi-

cers of its own choosing and with approximately complete control over all the activities of the institution." Lovejoy's view of the role of trustees was that they should serve as the financial stewards of the institution, determine the overall scope of the institution, and even have veto power over the faculty's selection of the president,

> but beyond these limits a university should be a self governing republic of scholars. The professors should elect their own president, with the consent and advice of the trustees; they should, through the president and an elective council, make all appointments, promotions, changes in salaries, and the like. From them all academic honors should proceed. Their control over educational policies should extend to such matters as the acceptance or rejection of gifts and bequests; and they should have coordinate powers with the trustees in the fixation of tuition fees and other charges.[22]

In short, Lovejoy, following Cattell, was advocating fairly radical changes to the governance of the American university. Lovejoy's main goal was to establish the university as consisting of two co-equal bodies: the faculty and the trustees, each with separate areas of responsibility and arrangements for addressing overlapping areas of responsibility. Although Lovejoy did not employ the rhetoric of democratization, the phrase "self governing republic of scholars" expressed the same sentiments as Cattell.

E. R. A. Seligman and *The Real University*

Columbia University economics professor Edwin Robert Anderson Seligman (1861–1939) was one of the most prominent defenders of academic freedom in the early twentieth century. Having received his PhD at Columbia in 1884, Seligman spent his entire career from 1885 to 1931 there. He served as first chair of the AAUP's Committee on Academic Freedom and Academic Tenure in 1915 and as president of the AAUP in 1921. He also served as president of the American Economic Association (AEA) in 1902–3. Although Seligman had a reputation as a "conservative," he was a highly active Progressive reformer and, at the same time, an outspoken opponent of socialism who held public debates with prominent socialists such as Scott Nearing. Seligman's scholarly contributions were primarily in the area of taxation, and he was an active proponent for the establishment of the progressive income tax, for which he provided economic justifications.[23]

Although Seligman is primarily known for his work on behalf of academic freedom, in particular his authorship of what we call today the 1915 *Declaration of Principles on Academic Freedom and Academic Tenure*,

Seligman gave an address at Columbia University in 1916, "The Real University," that spoke to matters of governance. Seligman echoed Theodore Roosevelt's description of the Progressive Era's "fierce discontent" when describing the current situation in higher education: "The four characteristic institutions of the American university are respectively the trustees, the president, the faculty, and the student body. With respect to each of these there has recently been much discussion and not a little criticism—symptoms of the healthy discontent which is the first condition of progress."[24]

In a remark apparently directed at his colleague Cattell, with whom he had a difficult relationship, Seligman acknowledged that some wanted to immediately eliminate the office of the university president, but cautioned, "autocracy never gives way to democracy by any such sudden jump." Seligman compared the development of governance in higher education to that of British democracy through intermediate stages including an "aristocratic republic." Seligman believed that the stage of aristocratic republic would continue for some time in universities, so long as presidents and trustees behaved wisely in observing the proper role of the faculty. But Seligman's Progressive disposition was clearly evident in the comparison; that is, he chose the comparison because he believed that universities would eventually progress toward democracy. Stressing the obligations of faculty and students in promoting the ideals of higher education, as Seligman tended to do, he noted that the university "will deserve to become a real democracy only when the ideals of the true university animate every instructor and every student." Thus even someone generally regarded as far more conservative than Cattell in matters of governance expressed a general expectation that universities would change toward a democratic mode of governance.[25]

Academic Freedom: 1890–1914

The movement for university reform was spurred on by academic freedom cases—summary dismissals of professors, at times over their classroom speech or their public utterances on behalf of reform movements. Academic freedom cases had two different facets: first, they reinforced the perception that the individual professor was merely an employee and could be terminated at will. Second, academic freedom cases reinforced the perception that professors collectively were merely employees and had no formal role in the governance of the university, such as decisions over appointments or dismissals. The movement for university reform challenged both aspects of the claim so as to advance the professional status of professors.

As mentioned above, the American conception of academic freedom was based on the German conception, although the two are not identical. German professors had *Lehrfreiheit*, or freedom of teaching, and the Prussian constitution of 1848 had provided that "science and its teaching shall be free." The American conception of academic freedom, which emerged over the course of some twenty-five years between 1890 and 1915, differed from the German conception in several respects. A central difference was the inclusion of "extramural speech" in the American conception. Extramural speech—speaking on matters of public concern, whether or not as an expert in these matters—became an essential element of the American conception for a number of reasons. First, advocates for academic freedom frequently cited the American tradition of free speech as a fundamental right. Second, the development of social science in particular created a professional class of faculty that included members who used their expertise to advocate the reform movements of the Progressive Era. Given the governance mode that prevailed in the United States, these outspoken social scientists found themselves pitted against their employers.[26]

The beginning of the modern American conception of academic freedom is usually dated to the 1890s. The Panic of 1893, with its run on gold, followed by an extended economic depression, intensified labor disputes. During the summer of 1894, the Pullman Strike raged in Chicago. At the same time, the development of the social sciences in the context of the emerging Progressive Era, which placed an emphasis on seeking scientific solutions to problems that accompanied the economic and social developments of the period, brought individual social scientists in conflict with powerful interests. Some of these social scientists were among the most prominent members of the academic establishment. Yet, with the traditional source of authority of universities vested in governing boards—which were, as noted above, increasingly populated by business leaders and corporate lawyers—such conflicts sometimes led to the dismissal of faculty members. At the beginning of the development of the American conception of academic freedom, the system of tenure that existed was insufficient to protect academic freedom.[27]

The Andrews Case

The turn of the century saw a system of higher education that consisted of three kinds of mainstream institutions: the denominational colleges, the endowed institutions, and the state universities. Their distribution had regional peculiarities, with endowed institutions predominantly in the East, state universities in the Midwest and West, and the denominational colleges

in the East and Midwest. Because of a corresponding distribution of political interest, with the Populist movement more prevalent in the Midwest and West, and a more conservative East, the external influences on higher education differed between regions. This difference meant that violations of academic freedom were frequently specific to the kind of institution at which they occurred and thus to their regions.[28]

In 1896, William Jennings Bryan's presidential campaign had as the main element of its platform the free coinage of silver. It was to increase inflation, which, owing to its relation to the gold supply, had stagnated during a time in which few new sources of gold had been discovered. As the economic historian Joseph Dorfman pointed out, the 1896 presidential campaign was the first in US history to center on a question of economic theory. An important early academic freedom case was that of Brown University president E. Benjamin Andrews in 1897. In an autobiographical sketch, Seligman identified it as the first case that he became personally involved in:

> The silver agitation during the [William Jennings] Bryan campaign in the nineties brought forth the first crop of attempts to interfere for economic reasons with academic freedom in the United States. In the state universities of the West the upholders of gold monometallism were harried and not infrequently dismissed; in the private universities of the East the few advocates of bimetallism were subjected to persecution. Among the most prominent of these was President Andrews of Brown University, and it was in order to stem this tide that Professor [Frank William] Taussig and I issued a public protest, which was not without influence.[29]

Andrews's public advocacy for the monetization of silver was blamed by the trustees for his failure to secure certain donations to the university: after the graduation of John D. Rockefeller's son from Brown, the trustees had expected a significant contribution to the endowment; when that was not forthcoming, they asked of Andrews "not a renunciation of these views, as honestly entertained by him, but a forbearance, out of regard for the interests of the University, to promulgate them." In response, Andrews resigned, noting that he saw himself unable to carry out the wishes of the trustees "without surrendering that reasonable liberty of utterance which my predecessors, my faculty colleagues and myself have hitherto enjoyed, and in the absence of which the most ample endowment for an educational institution would have but little worth."[30]

The public protest Seligman had issued with Harvard economics professor Frank William Taussig was an open letter signed by a number of prominent economists. The letter stated, "whatever our own views on the subject

in question we believe that the sound and wise course is to leave presidents and professors to form their opinions with absolute freedom and to express them in such terms as in their own judgment are fit. Any interference as to specific opinions or utterances opens inquiries without assignable limit. Where shall the line be drawn as to what may be said or what not?" The letter enumerated "freedom, independence, spontaneity and public respect for academic opinion" as negatively affected by any restriction of academic speech. As a result of the public protest, the trustees retracted their request and reinstated Andrews.[31]

The Ross Case

While the Andrews case generated significant public attention, it was dwarfed by the case of Edward Ross at Stanford University. The Ross case has received such widespread attention in the historiography of academic freedom that it has reached iconic status. Edward Alsworth Ross (1866–1951) had received his PhD in economics from Johns Hopkins in 1891. He taught at Stanford and the University of Nebraska, but spent most of his career, from 1906 to 1937, at the University of Wisconsin. Although Ross is mostly known in the historiography of academic freedom for his dismissal from Stanford, he was involved in the founding of the AAUP, serving on its council from 1916 to 1919. He also served as president of the American Sociological Society in 1914–15 and in that capacity was involved with the academic freedom work of that association, which in turn led to the academic freedom work of the AAUP.[32]

Even in comparison to the other endowed institutions in 1900, Stanford University was in a rather unusual situation. It had only one trustee, Jane Stanford, widow of founder Leland Stanford. While Leland Stanford had recruited the widely respected educator David Starr Jordan as president to build the institution, after Stanford's death, Jane Stanford took a personal interest in the university, which had been named in honor of the Stanfords' deceased only child. With her late husband's inheritance held up in probate, she had to resort to declaring the faculty her personal servants to be able to pay their salaries. When Ross, who had been recruited by Jordan, advocated on behalf of the Bryan campaign in 1896, Jane Stanford took notice. Stanford's fortune having been made in the construction of railroads, when Ross later publicly opposed the importation of Chinese labor, she demanded that Jordan dismiss him. Protests to the contrary after the dismissal notwithstanding, Jordan was well aware of the impact that dismissing Ross would have on the standing of the university.[33]

Finally, in 1901, Jordan followed Jane Stanford's order and accepted Ross's forced resignation. Ross immediately used the press to generate attention. With lingering public resentment against railroad magnate Leland Stanford and with the personal involvement of his widow in the running of the university generally considered odd, press coverage was sufficient to cause the AEA, which had not been involved in academic freedom cases in any official capacity up to that point, to appoint a committee to investigate. The committee consisted of three economists: Henry Farnam (Yale), Henry Gardner (Brown), and Seligman, who chaired it. Its report, although in the end not issued officially by the AEA, was the first investigative report of an academic freedom violation in the United States. The report concluded that there was evidence that Ross's dismissal was over Jane Stanford's objections to his public statements. The report observed that because of President Jordan's failure to respond to all the questions submitted to him by the investigative committee, some facts of the case might not have been accounted for, but that his refusal to provide answers to them spoke for itself.[34]

While some members of the faculty resigned in protest immediately upon Ross's dismissal, several more resigned when the administration orchestrated a letter signed by a significant number of faculty members disavowing any violation of academic freedom by Jordan. Both Lovejoy and Frank A. Fetter, who spent his later career as a Princeton economics professor, were among those who resigned in the second wave. Lovejoy had been given the opportunity to review the correspondence in the Ross case in order to convince him to sign the orchestrated faculty letter. Lovejoy, however, drew the conclusion from the evidence that the reasons for Ross's dismissal *were* his public utterances. In his letter of resignation, which he published in the local papers, Lovejoy stated, "I do not know what is meant by 'academic freedom'; it seems to lend itself readily to subtleties of interpretation. But I certainly conceive that the dismissal for such reasons, of an instructor whom the president of the university has regarded as a fit person to retain, involves an abridgment of liberties which it is the right and duty of the university teacher to demand." In what was most likely the first time that they were in contact, Seligman wrote to Lovejoy to thank him "for the manly stand" that he had taken in resigning from Stanford and for Lovejoy's "admirable letter" of resignation.[35]

University presidents took notice of the response to Ross's dismissal. For example, the files of President William Rainey Harper at the University of Chicago, who had dismissed the economist Edward Bemis in part because he had attended events related to the Pullman Strike, contain a carefully marked-up copy of Seligman's investigative report. Further, as Seligman ex-

plained in his autobiography, "The result was that for not a few years Leland Stanford University found it impossible to secure any competent scientist to fill the chair of economics."[36]

Academic Freedom and the Press

The development of the press during this period is of particular importance for the development of academic freedom. Academic freedom cases existed because they were reported in the press, causing negative publicity for university presidents. The emergence of the "robber barons" of the Gilded Age brought with it a public debate over the influence that their wealth exerted on society. When some of them endowed private universities, the concern that they would control those universities increased the interest in such cases. So when Bemis was dismissed from the Rockefeller-endowed University of Chicago in 1895, it was widely reported in the press, although the AEA did not further investigate Bemis's case.[37]

The activities of professors, such as speaking publicly or in the classroom on controversial matters, also found significant coverage in the press, often to the chagrin of presidents. As Laurence Veysey remarked about the origins of academic freedom in the United States, "resistance to academic freedom [by administrators] was not so much a matter of principle as it was an aspect of public relations. The passions of the non-academic population . . . were permitted to govern the university's attitude from season to season. . . . The history of academic freedom in America thus became a rather accurate reflection of social alarm felt at any given hour by the more substantial elements in the American population." Given the significant interest of the press in violations of academic freedom, Veysey's observation can be extended in the other direction as well: support of academic freedom by administrators was also often "not so much a matter of principle as it was an aspect of public relations."[38]

Although the press was generally supportive of academic freedom, some papers were hostile to the notion. For example, the *New York Times* commented on the establishment of the Committee on Academic Freedom and Academic Tenure by the American Political Science Association by condemning the tying of academic freedom to tenure:

> Somewhere there must lie the power as to what shall be taught, how, and by whom. It is inconceivable that the persons having this power and responsibility in, say, a college for young women should retain a professor who deemed it due to his conscience to teach the doctrine of free love and to advocate its

> practice. Or, to come nearer to the matters with which the American Political Science Association deals, it is not credible that a professor should continue to receive pay who thought it his duty to teach the doctrine of sheer fiat money.[39]

John Dewey later wrote in a letter to the editor in response to a similar editorial, "the position of The Times in such matters is firmly established, and no one, I am sure, grudges economic interests such a competent organ." Although "free love" was often invoked as the limiting case for academic freedom, the subsequent replacement of the gold standard with fiat money throughout the world should lead one to question this marshaling of "common sense" to suppress academic freedom. An amusing example dates to 1899, before the advent of the Wright brothers: listing the many pernicious doctrines that professors might teach, an editorial in *Gunton's Magazine* noted, "They may be socialists, single-taxers, flying machine advocates."[40]

Academic Asphyxiation

Arguably, what made the Edward Ross case so prominent in the historiography of academic freedom was the significant press coverage it received. By some reports, Ross had collected some five hundred newspaper clippings within a month, "which by his own count ran 29 out of 30 in his favor." The negative press coverage affected the reputation of Stanford University for some time. In the immediate aftermath of the Ross case, Dewey published an article in which he wrote that he did not see an increasing threat to academic freedom. Dewey credited this to "the constantly increasing momentum of scientific inquiry, the increasing sense of the university spirit binding together into one whole the scattered members of the various faculties throughout the country, the increased sensitiveness of the public opinion, and the active willingness of a large part of the public press to seize upon and even to exaggerate anything squinting towards an infringement upon the rights of free inquiry and free speech." At least for some academics, the moral of the Ross case was that the response it generated demonstrated that academic freedom was improving.[41]

In fact, following the Ross case, no violations of academic freedom appear to have received extended public attention, which some historians have credited to an improving academic climate. In an article on methodological considerations for the study of academic freedom, however, historian Walter Metzger warned against identifying too closely the prevalence of academic freedom cases with the climate for academic freedom. Just because

there are more cases does not by itself mean that the climate for academic freedom is worse. In fact, Metzger argued, "up to a point, the outbreak of cases is an encouraging sign," because cases that can be studied are usually a result of the public taking notice that an aberration has occurred. On the other hand, the absence of cases does not by itself mean that the climate for academic freedom is good.[42]

In part, the lack of causes célèbres was arguably due to presidents being more careful not to generate the kind of evidence that the Ross case had produced. As Ross himself remarked some years later,

> Of course, a great majority of the cases in which a man is gotten rid of on account of the offensiveness of his teachings or public utterances to the financial powers behind endowed institutions never bring up the question of "academic freedom" at all. It is so easy to let the man know that he is not making good or to declare that he is not a successful teacher, or to boost him into a better paying job, or to abolish the chair under the pretext of insufficiency of funds . . . The only wonder is that there ever was any case that presented the question of academic freedom. Nothing but the honesty or the blundering of a college president could ever allow such a case to show itself.[43]

In the absence of an association or organization to which to turn, on the other hand, an academic freedom case also required a willingness of the dismissed faculty member to go public, which could easily mean a difficulty in obtaining subsequent employment. For instance, both Bemis and Ross, whose cases had received such extensive coverage, had difficulty finding positions: Bemis briefly found academic employment after his dismissal from the University of Chicago but spent the majority of his career working for municipal utility companies; Ross had some difficulty finding a position following his dismissal but was hired by President Andrews of the University of Nebraska, who had left Brown only a year after his reinstatement. As Cattell noted, "the professor is naturally disinclined to drag the 'pageant of his bleeding heart' across the continent and have his name put on the employer's black list."[44]

And thus a number of academic freedom cases ended with the quiet resignation of the affected faculty member. One such case is that of Charles Zueblin, who was on the faculty in the sociology department of the University of Chicago from 1894 to 1908. Zueblin was involved in the extension program of the university and in Jane Addams's settlement movement. He regularly gave lectures on topics of public concern that generated sensational press coverage. In 1907, the *Chicago Daily Tribune* reported on one of his

lectures under the headline "Says Rich Men Are Bullies." The report quoted Zueblin as having said, "the trouble with our captains of industry is that they have ingrained in them the spirit of the bully," adding further that Marshall Field, a recently deceased Chicago department store owner, "was a genius, but he also had the bullying spirit." University of Chicago president Harry Pratt Judson wrote to Zueblin following the publication of the newspaper story, saying that he had been asked to comment on Zueblin's remarks. Judson wrote, "I have said that I of course expected that you would freely express your opinions about such matters as came within your field, but that I hardly believe that you would take the occasion of a public lecture to criticize Mr. Field," adding "Mr. Field is dead and was one of the benefactors of the university." Zueblin responded that he had been misquoted to some extent, but he also defended his remarks. Judson, in turn, responded that he understood that the press at times sensationalized remarks, but added that he wondered more generally, "is it the function of the University to enter into present day polemics? Personally I doubt it." Judson noted, "it is obvious that the newspapers have agreed to find in your lectures an opportunity for 'stories' and they are always on the lookout for them. It was this sort of thing which three years ago practically destroyed one of our young men." Having issued what was clearly a threat, Judson immediately softened his remarks, saying that he did not intend to criticize Zueblin unduly, and added, "I am merely raising the question whether it is worth while to allow one's self to get into that position with reference to the press." In other words, Judson was "merely" suggesting that Zueblin cease his public speaking because it had brought negative press attention to the university.[45]

By the time Zueblin's reappointment came up in 1908, Judson wrote to Zueblin that he wished to discuss with him the fact that he was an independent lecturer in addition to serving as a university extension lecturer. Judson wrote that although Zueblin was of course at liberty to discuss whatever he wished as an independent lecturer, "I have felt that as a member of our faculty it is not expedient for the lecturer on the public platform to attack individuals unless the university has been informed in advance and is willing to put itself in the position of supporting such policy." Judson's rationale for such a significant limit on academic freedom was that "it is impossible to differentiate the lecturer on the public platform who bears the name of the University from the University itself." But, Judson added, the public was further unable to distinguish Zueblin's remarks as a private lecturer from his remarks as a faculty member; hence there was a need to reach a "mutual understanding in the matter." Again, Judson disclaimed any "limitation of

freedom of speech in any unreasonable way." Following this letter, Zueblin resigned. Although the president's office objected to a single newspaper report that claimed that Zueblin had been dismissed, the case did not generate any widespread press coverage.[46]

While "academic asphyxiation" did not always lead to resignations, it affected academic freedom in other ways. In a special session on academic freedom at a meeting of the American Sociological Society, University of Pennsylvania economics professor Scott Nearing observed that "there are in every college faculty numbers of men who are under the domination of that most rigorous of all taskmasters, the necessity for providing a living for a family. Even where they are willing and anxious to express themselves, they have this necessity constantly confronting them. . . . For them the question of freedom of teaching is one involving their bread and butter. They would speak frankly if they dared but the sacrifice involved in speaking is too great." Ross, who served as president of the association, expressed agreement with Nearing, noting that "academic asphyxiation is much more common than is generally realized." He added, "the dismissal of professors by no means gives the clue to the frequency of the gag in academic life. We forget the many who take their medicine and make no fuss."[47]

One result of concerns over academic suppression was that it sometimes cast suspicions on individual professors' motives for holding views that were considered *acceptable*. Participants in public debates over academic freedom sometimes stated that those who agreed with prevailing attitudes were doing so out of fear. An early history of Stanford found, for example, "Dr. Ross did not need to be converted to the Bryan cause. He had believed in free coinage ever since he had begun the study of monetary science. At the Indianapolis meeting of the American Economic Association in December 1895, he had stood alone, for free silver, against all comers; although he learned, he said, through letters and personal interviews, that others would privately vote that way but dared not say so for fear of summary dismissal."[48]

That one of the concerns of the open letter in the Andrews case cited "public respect for academic opinion" thus reflects that the status of academics as experts was affected when governing boards dismissed outspoken faculty. That is, faculty members who were dismissed were not the only faculty affected by an apparent absence of academic freedom: it affected the status of all faculty. In fact, the impact of academic freedom cases on the perceived expertise of faculty was clearly one of the reasons that a faculty member such as Seligman, who never faced institutional restrictions to his academic freedom, became engaged in its defense.

The Mecklin Case

Because no academic freedom cases received any extended attention following the Ross case in 1901, several academic historians claimed that there was an absence of such cases. A number of cases can be documented throughout that period, however, and even Lovejoy remarked at the time that the list of cases was "not so brief as to be negligible." The lack of public attention regarding such cases changed in 1913.[49]

On May 16, 1913, Lafayette College professor John Mecklin wrote to Edward Ross to seek assistance in finding another position, explaining the situation this way: "I have managed to hold the chair in this old orthodox Presbyterian college without awakening opposition. I have from time to time heard rumors. Matters, however, have recently come to a crisis. The president read some examination papers upon my course in the psychology of religion and wrote me a letter a copy of which I enclose. You will readily understand that I can hardly keep my self-respect and retain the position that I hold."[50]

The letter that Lafayette College president Ethelbert Warfield had sent Mecklin, quoted in Lovejoy's subsequent report, stated, "I insist that the instruction in the department of philosophy shall be consistent with the professions made by its authorities. I shall be glad to give you every opportunity to explain your opinions and your teachings, but I ask that you do so explain them or retire from the chair which you occupy."[51]

In addition to the use of certain textbooks that raised Warfield's concern, his main objection was to the application of evolutionary theory in Mecklin's classes. After twice being called in front of a committee of the governing board to explain himself, Mecklin resigned. In June, *Science*, which Cattell edited, reported that "Dr. John M. Mecklin has resigned the professorship of mental and moral philosophy at Lafayette College because his teaching was regarded as not in accord with the standards of the Presbyterian church." Mecklin himself issued an additional explanatory statement in the *Journal of Philosophy*, in which he recounted that the president had criticized his selection of materials for courses. This called for a response, and a joint committee of the American Psychological Association and the American Philosophical Association was appointed to investigate the case under Lovejoy's chairmanship.[52]

Once the committee took up its work, it conducted its inquiry by mail and, just as in the Ross case, found the president unwilling to answer questions. Still, the committee concluded that "the administration of the college disapproves of the mere presentation to the students, through text-books

or collateral reading, of any philosophical views which it regards as seriously erroneous, and discourages instruction which has the effect, as Professor Mecklin's evidently had, of provoking thought and stimulating discussion and debate among the students upon philosophical and religious issues."[53]

A major difference between this investigation and Seligman's investigation of the Ross case was that the committee commented on conditions of tenure at Lafayette more generally rather than simply trying to establish the facts of the case. Much of the discussion of the report is concerned with explaining the distinction between institutions that limit freedom of teaching and those that do not, as well as ascertaining into which category Lafayette College falls. The report pointed toward the interests of "the university teaching profession at large" in determining the status of an institution in this regard, which was clearly an indication of Lovejoy's growing interest in the professionalization of the professoriate. By concentrating on broader concerns than simply the facts of the case at hand, as had been the case in the Ross report, the report served as a model for future investigative reports of the AAUP.[54]

The committee of inquiry concluded about the situation at Lafayette that "the professorship of philosophy and psychology is, in practice, subject . . . to the requirement that the teachings of the incumbent shall be in substantial harmony with the commonly accepted doctrines of the Presbyterian Church." The report further determined that teaching needed to be "in substantial harmony with the theological opinions of the administrative authorities of the college, and with their interpretation of the philosophical implications of those opinions."[55]

At Lafayette, the students' response to Mecklin's dismissal brought about the resignation of President Warfield. The student body had for some time been dissatisfied with the president's old-fashioned views and had expressed their dissatisfaction by disrupting chapel services. The following scene is vividly described in a history of Lafayette College: "When the President or some member of the Faculty who was regarded as being particularly subservient to him would lead the chapel exercises, some student would take his hymn book and start to tap, tap, tap, on the back of the pew ahead. Soon the tapping in all parts of the building would become almost a roar. At other times the whole assemblage would seem to be seized simultaneously with paroxysms of coughing."[56]

The board had accepted Mecklin's forced resignation shortly before commencement, which the students then used to protest his departure:

> When the President rose to conduct the exercises the tapping started as in chapel. When some one else had the platform, all was quiet, respectful

attention. But whenever the President was on his feet, this incessant, disconcerting, disrespectful rapping all but drowned out his words. At the end of the exercises, the class, being at the end of the academic procession, turned to the left away from the first part of the formation and ran over to Dr. Mecklin's house, where cheers brought the professor to his front porch. With tears coursing down his cheeks he addressed the boys, thanking them for their devotion to him.[57]

The Theory of Academic Freedom

The Ross and Mecklin reports were the results of the first two faculty-led investigations of academic freedom violations in the history of US higher education. While they were influential on the further work of the AAUP, neither report employed a comprehensive theory of academic freedom. In fact, neither report used the term "academic freedom," although they referred to related notions, such as freedom of teaching and freedom of thought. The Ross report in particular was simply an attempt to ascertain the facts of why Ross had been dismissed by Jordan. While the Mecklin report was somewhat broader, its goal was primarily to determine whether Lafayette College imposed limits on freedom of teaching. Although the Mecklin report pointed to the prerogative of the profession at large to determine whether an institution imposed such limits, it did not go further to demand the professional prerogative of the individual professor to be provided with a judicial hearing at the institution. While both reports cited certain elements of what we now consider as belonging to a definition of academic freedom, they did not fully explain what academic freedom included, what it excluded, and how institutions should safeguard it. Such a definition would not be provided until the establishment of an AAUP committee on academic freedom.

The founders of the AAUP wrote extensively on matters of governance. These writings constituted a program for university reform that advocated dramatically increasing the role of the faculty in institutional decision making and that were closely related to Progressive thought, in particular because of their invocation of the concept of "democratization." Although academic freedom played an important role in the activities of some of the founders, its defense would only emerge as a central goal of the association as the result of events surrounding the founding of the AAUP.

The Carnegie Foundation for the Advancement of Teaching

While many reform movements of the Progressive Era sought to increase the political status and ensure economic security for particular groups or professions, historians subsequently identified another strand of reform: "several of the most important reform movements were inspired, staffed, and led by businessmen with very specific or special-interest objectives in view." As historian Arthur Link notes, it was businessmen's opposition to inefficiency—waste and mismanagement—that motivated their involvement in the good-government movements for municipal reform. Beginning in the late nineteenth century, efficiency in manufacturing was promoted through Frederick Taylor's efforts for what came to be called "scientific management." Throughout the Progressive Era, Taylorism spread and helped turn "old-fashioned reform," which had been moralistic at its base, into a new style of reform that focused on social control by appealing to efficiency. Efficiency was in many ways the shibboleth of the Progressive Era: as Thomas Leonard has remarked, "greater efficiency, for many progressives, essentially defined progress."[1]

Although it is not customarily viewed that way, the Carnegie Foundation for the Advancement of Teaching was a reform movement of the Progressive Era that advocated increasing the efficiency of higher education. Its stated objective was to establish a nationwide pension system for faculty, but it almost immediately turned its attention to the standardization of higher education more generally. As a reform movement, it fell into both of the defining characteristics of such movements. On the one hand, it appealed to business interests: as the foundation's president and former president of the Massachusetts Institute of Technology (MIT) Henry Pritchett noted, "the business world has begun to feel that it is giving so much money to support

the colleges that it has a right to know how the money is spent and what results from it." Seeking to increase efficiency of higher education was therefore justified as a matter of accountability to those who were funding it. On the other hand, the foundation combined its appeal to business with the goal of seeking the greater political status of a professional group, that of university presidents. These two goals were really two sides of the same coin, because increasing efficiency was to be achieved by making universities adopt business practices, which in turn continued the transformation of university presidents into chief executives. The board of trustees of the Carnegie Foundation consequently consisted only of businessmen, lawyers, and university presidents. Among the university presidents on the board were Columbia's Nicholas Murray Butler, Harvard's Charles William Eliot, and Princeton's Woodrow Wilson. The foundation's critics saw the absence of faculty members on the board to be in marked contrast to its stated mission: the advancement of teaching.[2]

Shortly after the creation of the foundation in 1905, Henry Pritchett published the article "Shall the University Become a Business Corporation," in which he argued against reform efforts that would empower faculty. Pritchett's main argument against such efforts was that they would run counter to the broader societal developments of the era, which saw Progressives declare that the age of individualism was coming to an end: "our present tendency is toward a close organization, toward a limited freedom, toward team play . . . toward a centralized government." Increasing faculty control and academic freedom would, according to Pritchett, increase individual freedom, and thus individualism, and reduce efficiency. Cattell, in an apparent reply to Pritchett, saw that "the bureaucracy is defended on the ground of efficiency; but efficiency is not a final cause. To do things is not a merit regardless of what they are, and bigness is not synonymous with greatness." The at times acrimonious debate between the foundation and the proponents of increased faculty control—Cattell, Lovejoy, and University of Wisconsin psychology professor Joseph Jastrow in particular—was both an impetus to and a constant presence in the development of the AAUP.[3]

Carnegie Pensions

The Carnegie Foundation for the Advancement of Teaching was created with a $10-million endowment by Andrew Carnegie in 1905 and chartered by Congress in 1906. Its purpose was to distribute pensions to professors, whom Carnegie viewed as severely underpaid. Although Pritchett had originally approached Carnegie with a request to fund only pensions for

MIT, they subsequently agreed to create a pension system on a much larger scale. As Pritchett observed, however, the state of higher education made it impossible to begin the endeavor as a simple "distributing agency," as institutions that called themselves "colleges" differed "so widely in what they undertake to do and in the methods by which they undertake to do it, that they cannot be discussed as if they belonged to a homogeneous group." Some colleges were institutions operating so-called preparatory schools, which provided remedial education for students insufficiently prepared for admission to college. In some cases the preparatory schools took up a larger percentage of the entire operation than the college, and so these colleges were essentially glorified high schools. Pritchett also reported on "sham universities," which were degree mills that operated with ease owing to a complete lack of oversight. And so, rather than providing benefits to any institution that called itself a "college" or "university," Pritchett urged that "the question of educational standards" should play a central role; in fact, he argued that for the operations of the foundation, "the question which will be at once the most interesting and important is educational rather than financial." The subsequent financial difficulties of the foundation, which primarily resulted from actuarial miscalculations, may well have been a result of this self-avowed focus.[4]

The foundation established a list of "approved institutions" at which faculty were qualified to receive pensions. Even though the pension payments were ultimately to the retired faculty members themselves, these payments constituted a significant subvention to the operations of approved institutions—and a significant incentive to seek foundation approval—in two ways: first, they allowed institutions to retire senior faculty, who could be replaced with junior faculty at lower salaries; second, over time, they allowed institutions to pay lower salaries relative to institutions that did not provide pension benefits. This turned pensions into a kind of deferred pay that, because they were not portable when a faculty member left for an institution that was not approved, potentially limited the movement of faculty members between institutions.

From the start, the foundation excluded denominational institutions from its benefits. Although Carnegie was religious, he did not favor religious-based education. Given the financial incentive that the pension fund represented, some institutions abandoned denominational control by amending their charters, which brought with it criticism that the foundation was "denaturizing" religious institutions. At the same time, Andrew Carnegie was hesitant to extend the benefits of the foundation to public institutions because of significant antipathy against him from some Populist politicians,

whom he did not wish to inflame further. Just as there was widespread concern over the independence of privately endowed universities, the potential for privately endowed foundations, and thus their private interests, to influence the direction of higher education was a widespread concern. Rather than excluding them explicitly, Carnegie left the inclusion of public institutions open initially. But Pritchett refused to extend the benefits of the Carnegie Foundation to state universities for the first several years. His hostility to these institutions dated back to his presidency of MIT, where he saw them as less expensive competitors that operated on an unequal playing field because of their public support. Their lack of inclusion brought the foundation a first round of criticism, and owing to a joint effort of state institutions, the foundation subsequently allowed them to apply after Carnegie provided an additional $5 million to fund the extension of the program. Carnegie's concern over a possible backlash against the inclusion of public institutions was certainly justified. When President Benjamin Andrews requested in 1909 that the state legislature grant permission to the University of Nebraska to apply for Carnegie pensions, for instance, William Jennings Bryan successfully led a campaign in the Nebraska State House against it, calling the program "the most insidious poison that now threatens our nation."[5]

In order to qualify for approval, an institution had to meet the foundation's definition of "college" that required a minimum of six full-time faculty teaching only at the college level and a minimum endowment of $200,000, as well as certain entrance and curricular standards. Although the foundation's efforts were regularly attacked over the lack of inclusion of faculty in setting standards and its lack of responsibility to any entity but itself, Pritchett disputed charges that the foundation was forcing institutions to adopt the foundation's standards, as institutions chose to apply for its funds. In response to criticism, Pritchett pointed to what he saw as the primary interest of the foundation, which, in his view, was holding institutions responsible for the standards they set for themselves. Pritchett proclaimed that "in the light of complete publicity, sound financial standards as well as sound educational ones will tend to drive out poor standards," and further, "colleges can be classified more accurately upon a comparison of their relative honesty than upon the basis of their relative intellectuality." The foundation sponsored a number of detailed studies of the higher education systems of several states, and it regularly advocated against the inefficiency of duplication among institutions within the same state. The most influential study sponsored by the foundation was a review of medical education in the United States by Abraham Flexner, which led to wholesale revisions

of medical curricula and the closing of some medical schools. The foundation also standardized financial reporting by institutions, and it was perhaps most responsible, according to the US Bureau of Education, for the standardization of college catalogs, about which Pritchett remarked, "an honest catalog is the noblest work of a college and the surest mark of college virtue." Contrary to the claims of some histories of higher education, the foundation had a significant impact on the development of US higher education, and at the time Pritchett's power was compared to that of the Prussian Minister of Education.[6]

Although Pritchett disclaimed any criticism that the foundation was a standardizing agency, cases were reported in which the foundation apparently applied significant pressure on state institutions to alter their operations: Cattell reported in 1911 that the foundation had required Ohio State University to "reconstruct" in order to match the foundation's wishes, and the University of Illinois was forced to reorganize its relationship with the medical school in Chicago. A committee of the National Education Association approved a resolution in 1914 that read, in part, "We view with alarm the activity of the Carnegie and Rockefeller Foundations—agencies not in any way responsible to the people—in their efforts to control the policies of our State educational institutions, to fashion after their conception and to standardize our courses of study, and to surround the institutions with conditions which menace true academic freedom and defeat the primary purpose of democracy as heretofore preserved inviolate in our common schools, normal schools, and universities."[7]

The Carnegie Foundation and Academic Freedom

Before the founding of the AAUP, the Carnegie Foundation became involved in matters of academic freedom. Writing in 1908, Pritchett remarked, "the security with which a teacher may hold his place and yet express frankly his honest opinion is perhaps the best criterion of the strength and intellectual fiber of a college or a university and of the civilization of its region." Pritchett acknowledged that dismissals of faculty members in violation of academic freedom did not occur with any regularity in prestigious institutions, but that they did occur in ones that were weaker, which were "of course not colleges in any true sense," adding that "there is no surer mark of a wholesome, efficient, and scholarly institution than . . . the security, freedom, and dignity which it guarantees" to its faculty. Pritchett saw the greatest threat to academic freedom arising from political and denominational influence on state universities, which led to the dismissal of faculty members but furthermore

was "sufficiently strong sometimes to turn out a president." While Pritchett's defense of academic freedom against certain kinds of external control is notable for its time, it failed to address in any way the influence that private wealth and interest had on universities and, with few exceptions, was mostly theoretical.[8]

Speaking at a meeting of the American Sociological Society just days before the founding of the AAUP, Pritchett acknowledged that the foundation regularly received inquiries from faculty members who had been dismissed over what they believed had been violations of their academic freedom. As Pritchett saw it, the foundation avoided involvement in the internal affairs of individual institutions, but it did follow up on complaints with the accused institution to request information about the case. While the overall effect of the foundation's activities on the development of academic freedom was fairly limited, the fact that it had such an involvement at all has not been sufficiently appreciated in the historiography of academic freedom, and the institutional files of the foundation contain reports of a number of noteworthy cases that occurred between 1905 and 1915. None of these cases are complaints by faculty who were critical of financial interests, reflecting perhaps the expectation that the foundation, supported by Carnegie and controlled by those financial interests, would not assist professors under the circumstances. In two cases, Pritchett took a more aggressive approach than simple inquiry, prompted by two specific concerns of the foundation.[9]

The University of Oklahoma

The admission of state institutions to eligibility for support of the Carnegie Foundation was, over Pritchett's opposition, finally adopted in 1908. But the number of state institutions on the approved list remained small throughout the history of the foundation. Perhaps in order to justify what he perceived to be their limited suitability for foundation support, but also because of the limited resources the foundation had available, Pritchett turned his attention to investigating and publicizing political interference at state institutions just as these institutions were permitted to apply. He further used these activities of the foundation to promote his views on the proper conduct of governing boards relative to presidents. So in the same way that the AAUP would use investigative reports to promote its views on governance, the Carnegie Foundation first instituted that practice in 1908.

On April 24, 1908, *Science* reported that Oklahoma, which had only recently received statehood, was passing through "a period of predatory pol-

itics." Democrat Charles Haskell had been elected the first governor of the state, and as Republicans had mainly governed the former territory, Haskell replaced the entire board of regents. The regents in turn immediately dismissed President David Boyd, declared all of the faculty positions at the university vacant, and sent a committee of three members to Norman to interview any faculty member who wished to be rehired. In addition to party politics, there were also moral and religious considerations. Rumors that faculty members had engaged in "public and indiscriminate dance and card parties" had been spread. A further rumor that a member of the faculty was lacking in religious orthodoxy and did not believe in the first chapter of Genesis led the Oklahoma state superintendent for public instruction, the Reverend Evan Dhu Cameron, to declare, "if that man knows more than Moses, he knows too much to teach school in Oklahoma." Following hearings with individual professors and a public hearing at which the local citizenry was permitted to air any concerns that it had about members of the faculty, the regents replaced eight of the twenty-eight professors and passed a resolution on the basis of the stated rumors of the faculty's illicit activities, requesting "the faculty of this university to refrain from these amusements during their connection with this university." Among the dismissed faculty members was influential literary historian Vernon Louis Parrington. Both Parrington and Boyd wrote at length to the Carnegie Foundation, to which Pritchett responded with great interest. He indicated that he intended to travel to Oklahoma to investigate, explaining, "it has seemed to me that a presentation of all these facts by an agency which had no personal concern in the matter would be helpful in American education."[10]

In his letter to Pritchett, Parrington outlined his reasons for thinking that the dismissals had been based on political and denominational considerations. Historical accounts of these events are primarily based on the unpublished recollections of Roy Gittinger, a history professor at the university who shared Parrington's assessment. Yet Pritchett's report cleared the regents of any ulterior motive in the dismissals. Instead, Pritchett saw the entire affair as a governance problem. While praising the regents as "honorable and high-minded men," Pritchett stated, "The essential wrong was that men were being dismissed and appointed by a body wholly unfitted to pass on the academic qualifications of university professors. To prove such fitness something more is needed than an academic degree. The ability to select fit teachers is the highest quality of the trained college executive."[11]

Pritchett imagined the scene of the regents "gravely sitting down to choose professors of psychology and education" and found it almost amusing, were it not both pathetic and cruel that "a group of such well-meaning

gentlemen" had foolishly undertaken "to administer a matter of which they know nothing." Pritchett went on to explain that the fundamental error of the regents had been to confuse government with administration: "They were appointed to govern the University of Oklahoma, a task for which they were entirely competent. Instead of governing it, they undertook to administer it, a task for which they were absolutely unfit." Finally, Pritchett declared, "when this board of regents took into its hands the work of the executive, they entered upon a path sure to lead to difficulties, to mistakes, and to injustice." Here was the main programmatic position on governance of the Carnegie Foundation: the empowerment of presidents to escape micromanaging governing boards. Pritchett would continue to address matters of organization of governing boards, both in terms of their preferred size and the qualifications of its members, calling governing boards with members who were ill prepared for their service "the greatest weakness in our college organization."[12]

A study on "Academic and Industrial Efficiency" commissioned by the foundation and written by Taylorite Morris L. Cooke constituted perhaps the bluntest description of the application of business methods to higher education. In its introduction, Pritchett wrote: "The administrative organization of American institutions of higher learning more nearly resembles business organizations than do those of most countries. The machinery of organization, with a president, a board of trustees, and a staff of deans and assistants, resembles closely the business organization of a corporation, with its president, its board of directors, and its heads of departments." Reinforcing the foundation's views, Cooke noted "it is impossible to conceive of the president of a steel works, for instance, making any progress if he were to be constantly thwarted and kept from deciding things by his board of directors. Yet this is the rule in the college world." *The Electrical World and Engineer*, an engineering periodical, assailed Cooke's study, calling its program "that kind of organization which, under the disguise of uniformity and system, effectively suppresses progress." It went on: "It is an application to educational institutions of the methods too common in American manufacture, which insure a large output of the tolerable rather than a small output of the desirable." Professors, too, were predictably chafed by the transfer of concepts from the management of manufacturing to their classrooms. Cattell in an editorial wished to assure "Mr. Cooke and the Carnegie Foundation that there is even more urgent need for missionary labors on behalf of efficiency elsewhere than in the university," adding that for the university "the solution is the reverse of that proposed by Mr. Cooke. The department should have autonomy and the individual freedom."[13]

The investigation of the University of Oklahoma is particularly noteworthy because, on the one hand, Pritchett recognized the need for an outside agency to investigate faculty dismissals and publicize the results, a development most likely greeted by faculty proponents of academic freedom. On the other hand, the use of the investigation to argue for increased authority of university presidents presented those proponents with the problem of leaving the defense of academic freedom to an outside agency that had decidedly different aims from their own. While the foundation maintained some involvement in matters of academic freedom, it scaled back this involvement while faculty attacks on the foundation increased and became more organized.

George Washington University

Cattell was perhaps the fiercest critic of the foundation. He recognized early on its eventual financial difficulties and saw the potential danger represented by the status of its pension as deferred pay for academic freedom, saying "The withholding of part of a professor's salary to be paid ultimately after good behavior in the form of an annuity will tend to increase the autocracy of university administration and to limit not only the freedom of action but also the freedom of speech of the professor."[14]

The foundation initially maintained two different pension programs: an age-based pension, available to faculty members at least 65 years old and with at least 15 years of service, and a service pension, available to faculty members with at least 25 years of service regardless of age. In the absence of clearly defined tenure rules, however, faculty could be retired against their will or else dismissed rather than retired, which entailed a loss of the pension benefit. Both possible cases constituted a threat to academic freedom. As Cattell observed, "the reasons leading to the adoption of retirement after twenty-five years of service are obscure to me, unless it is intended to relieve institutions of men whom they do not want to keep."[15]

Cattell's theory was almost immediately put into practice when George Washington University retired two faculty members—James Howard Gore, professor of mathematics, and James McBride Sterrett, professor of philosophy—against their will in 1909. In this case, the involvement of the foundation was primarily in order to safeguard its reputation rather than because of its views on the conduct of governance. The university was experiencing significant financial difficulties and explained their retirement as being required by retrenchment, yet both professors had been vocal critics of the administration of President Charles W. Needham. The university had

previously operated evening classes for which professors were paid a percentage of tuition. Later, professors received fixed salaries only. Together with the elimination of evening classes, Needham engaged in a large-scale attempt to raise educational standards at the institution, which brought further financial difficulties owing to low enrollments. According to the president, Gore and Sterrett approached members of the board and suggested that Needham be removed and the university be operated by the professors in exchange for returning to a system of paying professors a percentage of tuition. And so it appeared that the forced retirements were in retaliation to the actions of the professors.[16]

The foundation responded in the strongest possible way and removed the university from the approved list, a first in its history. Professors who were already receiving pensions would remain unaffected, but the institution had forfeited future pensions for its current faculty members. Publicly, the foundation cited the fact that the university's endowment had fallen below the required amount of $200,000 as the reason for the removal, but both Pritchett and John Bowman, the secretary of the foundation, specifically pointed to the forced retirement as the reason for the action. In his letter to Needham, Pritchett called the dismissal "a blow at academic dignity and academic freedom." The removal came as a shock to the institution, which was already suffering from financial difficulties. The *Washington Post* drew attention to the case under the headline "American College Panic" and predicted that "the Washington institution will not long suffer alone," adding that the biggest impact on universities that fell afoul of the foundation would be negative publicity, in particular because the approval of the foundation was tied to educational standards. The foundation subsequently described the case in its annual report, and Needham informed Pritchett that as a result of the foundation's actions several faculty members resigned over the loss of the pension benefit at the institution. The report stated that "the arbitrary dismissal of a professor without charges was a violation of the principle of academic independence and freedom for which a college preeminently stands." Adding to its principled position, however, the report further stated that it was specifically the involvement of the foundation by the institution in the case that had brought about the response. As Pritchett had written to Needham, the foundation "felt bound to protest in as quick and sharp manner as possible," because the action had "violated the very purpose for which the Foundation stood." Given that the foundation never protested other dismissals brought to its attention in as nearly a sharp form as this one, one can surmise that it was more concerned about its own reputation in the matter than with principles of academic freedom.[17]

Following the case at George Washington University, the foundation only rarely took public positions on academic freedom cases. Pritchett, speaking at the American Sociological Society meeting about complaints he had received from dismissed faculty members, was mostly struck "by the extraordinary egotism of these productions." Clearly, the foundation did not wish to concern itself with such matters to any great extent. Writing during the second year of the AAUP's existence, Jastrow noted that the foundation had previously "reported upon a few cases of invasion of academic liberty or unjust exercise of political authority," adding, "this function it may now wisely turn over to the Association of American Professors; for it is desirable that professional interests shall be protected by the profession concerned."[18]

The Removal of Service Pensions

The opposition to the foundation became much more widespread when it suddenly announced that it was discontinuing its program of service pensions in 1910. The decision not only directly affected faculty members who had made definite plans to retire under that program but also shook the confidence of the professoriate in the foundation, because it raised questions over the security of its other promises. What added to that loss in confidence was the form in which Pritchett explained the decision. Although Pritchett acknowledged that the financial implications of the program had exceeded expectations, he claimed that the original intention was for that rule to be used only in cases of disability, while instead it was being used by professors who were mainly "tired of teaching," adding "it seems that this rule offers too large a temptation to certain qualities of universal human nature." Given that the original formulation of the rule was clearly separate from statements about disability, Pritchett's disingenuous attempt at justifying the program's abandonment by blaming those who had taken advantage of it under its intended terms infuriated critics of the foundation.[19]

As Lovejoy biographer Daniel Wilson observed, the elimination of service pensions brought to Lovejoy's attention a matter of national importance for the profession for the first time since the Ross case. Lovejoy published a sharply worded criticism of Pritchett's actions in *Science* under the title "The Retrospective Anticipations of the Carnegie Foundation." Because the foundation had offered as an additional reason for the elimination of the service pensions that they increased "the tendency of the teacher assured of a retiring allowance to become ultra-critical toward the administration," Lovejoy concluded that the foundation was encouraging presidents to

suppress faculty criticism by threatening to withhold their pensions, which could hardly be claimed to promote the interests of the profession. Lovejoy summarized his views: "There seems to be grave reason to conclude that it is time for the rank and file of the teaching body to demand that the management of the Carnegie Foundation shall be altered in whatever manner is necessary in order to protect them against the sort of deception and the sort of indignity to which they have been subjected in the recent administration of this potentially beneficent institution."[20]

When Cattell criticized the decision of the foundation in a letter to Pritchett, he pointed out discrepancies between different statements by foundation officers about the rules and requested to be informed under what terms he still qualified for a pension. To this, Pritchett responded that it would be up to Columbia to apply on his behalf and added, sarcastically, "the foundation would view with grave concern the possibility of your withdrawal from editorial duties. We should find it difficult to get along without the aid of your kindly and encouraging editorial scrutiny." Cattell understood the implied threat, as it was "open to the unfortunate interpretation that beneficiaries of the foundation may not criticize its conduct or the educational schemes it promotes," and published the entire exchange in *Science*.[21]

The attacks on the Carnegie Foundation became more pronounced over the next several years, much of it directed squarely at Pritchett. Reflecting on Pritchett's views expressed in the foundation's reports, Jastrow remarked that they gave "the impression that their pages are used as a medium of personal opinion; it would be better to distinguish between individual and official statements and to avoid the appearance of an imperially benevolent wisdom." Washington University (St. Louis) German professor Otto Heller, who had been a colleague of Pritchett there, blamed him in a personal letter for the loss of confidence in the foundation, writing "again and again I have heard you cited against yourself with reference to your more recent official utterances." In 1913, Lovejoy once more attacked the foundation, as it was becoming clear that its financial difficulties would lead to further changes in its pension program. Lovejoy could be as sharp as Cattell when it came to pointing out the continuation of the troubling practices of the foundation. When Pritchett defended the elimination of the service pensions again, this time by calling those who retired under the rule "selfish," Lovejoy wrote: "It is to be supposed that if the trustees had in 1906 the intentions now retrospectively ascribed to them, they had sufficient access to dictionaries of the English language to be able to give some expression to those intentions. But in fact, they gave no hint then." Lovejoy and Cattell frequently exchanged

letters over their joint attack on the foundation and made efforts to prepare a petition demanding the appointment of professors to the foundation's board.[22]

In spite of these efforts, the foundation did not reinstate service pensions or invite professors to serve on its board. But it was the battle over the service pensions, his biographer finds, that caused Lovejoy to realize that "professors individually were powerless to prevent other organizations from treating them summarily. This realization increased his awareness of the need for a professorial organization." It further brought Lovejoy and Cattell into closer collaboration, which would be instrumental in bringing about the formation of the AAUP.

The Carnegie Foundation and the Formation of the AAUP

Late in 1914, Heller wrote a letter to Pritchett that began, "there is now forming, as you probably know, an Association of American Professors." Heller explained that its formation was an indication that it was time to take steps to make sure that the "armed neutrality" between the profession and the Carnegie Foundation would "not end in open rupture." First, Heller noted, the foundation had to commit itself to definite policies regarding its pension program that could not be further altered. Second, Heller blamed the foundation for "the gulf between the teaching and the administrative branches," which it had "unintentionally deepened and widened." In Heller's view, having a professor on the foundation's board was "a minimal concession" to alleviate that gulf.[23]

Pritchett requested that Heller explain his criticism in further detail, and Heller commented on the issue of faculty-administration relations in particular, noting that the changes to the service pensions had favored administrators over teachers. Cattell, too, had observed the differential treatment of faculty and presidents by the foundation, and with his characteristic tone pointedly remarked that perhaps it worked under the assumption "that higher education can be best advanced by retiring the president whenever possible." The foundation subsequently removed this distinction in its policies, which Heller acknowledged. Nevertheless, he noted to Pritchett that "the Foundation today stands for something vastly different from what at the time of its inauguration the profession had every reason to believe that it stood for." Pritchett acknowledged the disappointment of some professors over the elimination of the service pension and explained that he was going to publish details on "a final, just, and fruitful form of pension

system" in the following fall. This proposal, which was to establish TIAA, subsequently brought the AAUP and the Carnegie Foundation into open conflict.[24]

The impact of the Carnegie Foundation on the development of US higher education generally was also manifest by the strong opposition it generated to its activities. The impetus to found the AAUP was at least partially due to the existence of organized efforts to shape a system of higher education. The professoriate, if it wished to influence these efforts, required an organized voice with which to respond.

CHAPTER FOUR

The Committee of Nine

The development of the AAUP as a defender of academic freedom received its strongest impetus from an earlier development within the American Economic Association (AEA), which culminated in the establishment of a joint committee on academic freedom by three social science associations. The activities of this joint committee facilitated the early focus of the AAUP on academic freedom.

The Fisher Case

In addition to the Mecklin case, another case that attracted significant attention in 1913 was that of Wesleyan University economics professor Willard Fisher. Fisher had taught economics at Wesleyan for twenty years when a speech that he had given at a club in Hartford in January 1913 was reported in the newspapers. According to Fisher's own account, his speech advocated the relaxation of Sunday laws, which made certain activities, such as drinking on Sundays, illegal. He further suggested that he would be willing to suspend church services on Sundays so as to allow Christians to turn their attention to more important tenets of the religion instead of mere church attendance. The local papers gave a sensationalized version of the event, and by the time the story was picked up by the *New York Times*, the headline read, "Close Churches Sunday. Prof. Fisher of Wesleyan Would Like It as an Experiment."[1]

Having read about the event in the papers and having received widespread complaints from alumni, Wesleyan president William Shanklin ordered Fisher to a meeting and demanded his resignation. Fisher agreed to resign but insisted on receiving a written statement of reasons, which Shanklin provided

as part of an exchange of several letters between the two. Because Fisher's remarks had generated significant coverage in the press, his dismissal did as well. This in turn drew the attention of Cattell, who contacted Shanklin. He subsequently published Fisher's exchange with Shanklin in *Science*, as well as an editorial by Cornell philosophy professor J. E. Creighton condemning the dismissal. The same exchange of letters was also published in the official publication of the AEA, the *American Economic Review*. Publishing the letters was uncharacteristic of the AEA, having mostly avoided interfering in academic freedom cases in any public way up to that point. But one may surmise that this action reflected the influence of Princeton University economics professor Edwin Kemmerer, who had been Fisher's student at Wesleyan. Kemmerer served on the editorial board of the *American Economic Review* at the time, and he corresponded extensively with both Shanklin and the president of Wesleyan's governing board, complaining over Fisher's dismissal.[2]

In response to Cattell, Shanklin claimed that the reasons for Fisher's dismissal cited in the published letters were not the actual reasons and asked for a meeting. Cattell agreed to meet under the condition that he would be free to share any information he received. As Cattell remarked in a letter to Fisher describing the conversation, Shanklin continued to insist that the stated reason had not been the actual reason, but he did not provide details other than to claim that someone had stated that Fisher was "crazy." Fisher himself apparently began to doubt the reasons provided to him by Shanklin and drew up a formal list of reasons that he suspected had motivated the dismissal.

While a faculty member at Wesleyan, Fisher had served as mayor of Middletown for two terms and had drawn the ire of a Wesleyan trustee, Wesley U. Pearne, over city business unrelated to the university. Fisher had cited Pearne's failure to pay taxes, and during Pearne's service as city judge, Fisher had pointed out Pearne's failure to comply with a state law to appoint a probation officer. Additionally, Fisher indicated that he had "incurred some sharp personal hostilities" as a result of forcing Pearne to resign from the education board over budget irregularities. Fisher also cited causes that were related to the university: as mayor, he had required the university to pay for damages to city property caused by students, and as a faculty member, he had informed a number of his colleagues that he believed Shanklin to have plagiarized an address given on campus. Fisher believed that these were the actual reasons for his dismissal and that the report of his speech had been used as a pretext. Although the dismissal generated significant interest among academics at the time, Fisher had no immediate repository for his grievance, but his dismissal was among several reasons for the formation

of the committee on academic freedom of social scientists that ultimately took up the case.[3]

The Involvement of the American Economic Association

Before the founding of the AAUP, the AEA was involved in two very public academic freedom cases: the Andrews case and the Ross case. Each time, Seligman took the lead to intervene and organized a joint response of several individual economists. Yet in each case the AEA was hesitant to take an official position; opponents to formal involvement cited concerns over speaking on behalf of the entire membership when it was not feasible to seek its approval. Similar arguments against taking positions that could be interpreted as binding on the entire membership were to plague the early AAUP and later led to changes to its annual meeting.[4]

In December 1913, during their separate meetings, the AEA, the American Sociological Society (ASS), and the American Political Science Association (APSA) passed identical resolutions to establish committees on academic freedom and academic tenure, each having three members. Each of the three committees had been authorized "to cooperate with any similar committee that may be constituted" by the other associations. In March 1914, the outgoing president of the ASS, University of Chicago sociologist Albion Small, informed incoming president Edward Ross, who was by then at the University of Wisconsin, of the creation of the committee and asked Ross to appoint the three representatives of the ASS in his stead. Small noted to Ross that Seligman was coordinating the three committees. In June 1914, the committees held their first meeting together and decided to combine into the Joint Committee on Academic Freedom and Academic Tenure, sometimes informally referred to as "the joint committee of nine."[5]

The early concentration of the AAUP on matters of academic freedom was the result of the confluence of several events. The establishment of the joint committee of nine was central among these. Its importance was in providing both a structure for work on academic freedom and members with significant practical experience. That the AAUP entered "the academic freedom arena running," as historians Daniel H. Pollitt and Jordan E. Kurland recognized, was in no small part because of the joint committee of nine. Its efforts throughout 1914 laid the groundwork for what was to become the AAUP's Committee on Academic Freedom and Academic Tenure, not only in its active defense but also in the conceptual foundation of academic freedom. Not least among its contributions was the name of the joint committee, which its successor carries to this day. Seligman's recognition of the

limitations and difficulties of using disciplinary associations to approach the topic of academic freedom led him to propose that the AAUP should take up the issue instead.[6]

Given the importance of the joint committee of nine in the history of academic freedom, it is surprising that the reasons for its establishment have received so little attention in the historiography of the social sciences and of academic freedom. Founding the committee by official action of three social science associations is particularly noteworthy because the AEA had been so hesitant to publicly commit itself to the issue of academic freedom up to that point, although it had set a precedent by publishing Fisher's letter earlier that year.

As described in chapter 1, the establishment of academic disciplines was one of the preconditions of the professionalization of the professoriate. Mary Furner and others have stressed the central importance of early academic freedom cases for the establishment of the social sciences as academic disciplines and for the professionalization of those disciplines. In particular, Furner has argued that the difference between the cases that Seligman and others became involved in and those that they refused to take up, such as the Bemis case, brought about the emergence "of a rudimentary discipline which identified the degree and type of advocacy that was entitled to collective security." Although the establishment of academic disciplines was one of the preconditions for the professionalization of the professoriate, the role of academic freedom in the latter differed from its role in the former.[7]

Compared to developments analyzed by Furner, who concentrated on cases from 1890 to 1905, developments that took shape in 1913 emphasized the special role of academic social scientists in their professional associations and of professors in academic matters at their institutions. Just as the professional status of lawyers and doctors entitled them to a level of professional autonomy, the focus on institutional governance was essential for the professionalization of the professoriate. The reason for the establishment of the joint committee of nine should be seen first and foremost as part of an effort to further the professionalization of the professoriate both within the social sciences and more broadly. That is, as Furner has argued, with the professionalization of the social sciences already relatively well established by 1905, the focus now turned to the professoriate. These two developments are of course related but arguably distinct: the latter culminated in the founding of the AAUP, and within only one year the joint committee was functioning under its auspices.[8]

The developments of efforts to professionalize the professoriate that led to the founding of the AAUP focused on matters of tenure, institutional gov-

ernance, and more generally on the proper role of professors in academic matters. Consequently, they were of much broader interest than the investigation of individual academic freedom cases. That the joint committee was an exponent of the newer development can be seen in a number of ways. First, rather than simply defending individuals who had been dismissed, the joint committee's charge was "to examine and report on the present situation in American educational institutions as to liberty of thought, freedom of speech, and security of tenure for teachers" within the social sciences. Second, the question of whether nonacademics should serve on the committee put the specific role claimed for faculty into focus. Finally, the cases that the joint committee, but particularly its AAUP successor, eventually took up differed from the cases that had preoccupied the AEA. In both the Andrews and the Ross cases, two issues had been at the forefront: that the utterances provoking intervention by institutional authorities were directly related to the faculty members' professional expertise, and that the quality of their scholarship could not be impugned. As Furner argues, these two issues were used to circumscribe acceptable, objective scholarship and to separate it from unacceptable advocacy. This should be contrasted in particular with the 1915 case of University of Pennsylvania economics professor Scott Nearing, who had been dismissed over his outspoken opposition to child labor. Members of the AAUP's committee expressed doubts about both Nearing's advocacy and his scholarship, but argued in favor of investigating the case because they considered it a violation of the professional autonomy of the faculty that the trustees of the University of Pennsylvania had rendered a judgment on either issue when the departmental faculty, the chair, and the dean had already recommended Nearing for reappointment.[9]

The establishment of the joint committee was not the only example of an emerging emphasis on the role of academics within the AEA at the time. As historian of economics A. W. Coats points out, the AEA had members from the business world, and the question of whether to cater to that segment of the membership or to change the nature of the AEA to that of a "strictly professional and scientific association" was actively discussed within its leadership, particularly when it came to the association's publications.[10]

The Joint Committee of Nine

The first half of 1914 was taken up with selecting members of the joint committee. Ross, with Seligman's approval, appointed Harvard law professor Roscoe Pound, University of Pennsylvania sociology professor James Lichtenberger, and Indiana University sociology professor U. G. Weatherly as

representatives of the ASS. In his letter to Pound, Ross stressed that the value of the report of the committee would lie "in its effect on public opinion," and "everything depends upon the weight of the men whose names are attached to a report." Pound was widely regarded as the most important legal scholar of his generation and subsequently served as dean of the Harvard Law School. Ross and Pound had served together as faculty members at the University of Nebraska, and Pound credited Ross with introducing him to sociological perspectives that had an important influence on his legal thought.[11]

The three representatives of the AEA were Seligman; Princeton economics professor Frank A. Fetter, who had made the motion to form the committee of the AEA; and University of Wisconsin economics professor Richard T. Ely. All three were past presidents of the AEA, and all three had extensive direct experience with academic freedom cases. Fetter had been among the faculty members who resigned over the Ross case at Stanford. Ely had himself been tried and exculpated by a committee of the regents of the University of Wisconsin in 1894 appointed to investigate public charges that Ely's writings contained "utopian, impractical, and pernicious doctrines."[12]

The choice of APSA representatives brought the issue of professorial prerogatives into focus. APSA president and Columbia University political science professor John Bassett Moore informed Seligman that he wished to appoint a committee of only nonacademics so as "to relieve the present inquiry of its tendency to assume a purely class aspect." This proposal was an early indication that the defense of academic freedom was being compared to the activities of unions, and Moore mentioned that he had received a letter from a member commenting on the establishment of the committee and indicating that professors would have to "form a union for their protection." This, Moore believed, pointed toward a danger that the work of the committee "might readily be made ridiculous." Comparisons between the academic freedom work of the AAUP and the activities of unions continued throughout the early history of the association and caused its founders to take a defensive stance on an issue controversial within the professoriate.[13]

In an act of professional self-assertion, Seligman expressed surprise and strong reservations over Moore's plans, noting that the authors of the resolution establishing the committee had at most considered including a university president with training in the social sciences on the committee. Seligman's response to Moore stands out as perhaps the clearest description of Seligman's own motivations for engaging in the defense of academic freedom. It further serves as a description of the broader motivations of aca-

demic social scientists to establish their specific role within their disciplines and that of the professoriate within their institutions more generally.

Seligman compared the appointment of non-teachers onto a committee with a charge that was "essentially pedagogical" to asking nonspecialists, such as himself, to make recommendations on legal ethics, for which he lacked both "interest" and "understanding." Seligman argued that professors had specific professional expertise in matters related to academics, just as lawyers did in matters related to their own profession. The fact that Seligman had to make that argument demonstrates that its conclusion was not universally accepted, even among faculty. Seligman further defended the committee against the charge that if it were composed of academics only, it would serve "the professional class interest," which was apparently intended by Moore to be placed in opposition to "the public interest." Yet Seligman pointed out that these two interests were not usually in opposition but frequently coincided, as was manifestly the case with academic freedom. The argument that Seligman provided for the confluence of the two interests likely points to his own primary impetus to engage in this endeavor, and he was to subsequently stress it several times. Seligman saw "widespread and outspoken doubt" regarding the freedom of teaching of the social sciences in American colleges and universities. He stated that such criticism emanated specifically from socialists as well as from others who pointed to the previously expressed concern over "academic asphyxiation." Seligman was clearly referring to criticism that frequently called into question whether professors in the social sciences truly held the views that they were professing or were professing such views out of fear of dismissal. This criticism was often specifically applied to Eastern endowed universities, such as Columbia. Seligman admitted that professors of economics, sociology, and political science had an interest in establishing public trust in the veracity of their utterances, but that such veracity was in the interest of higher education and the general public as well. Arguing further against the appointment of nonacademics, Seligman pointed to the urgency of taking up the charge of the committee, which could be delayed by inviting high-profile, nonacademic members of APSA who might take some time considering the invitation before declining to serve. Academic freedom was, in Seligman's opinion, the most fundamentally important issue for APSA to address at that point, and as a further rationale he made special reference to cases that had arisen at three institutions since the committee had been established.

As a concession to Seligman's concerns, Moore subsequently appointed J. Q. Dealey, a political science professor at Brown University. Dealey did have direct experience related to academic freedom: having just started

as a faculty member at Brown when the Andrews case arose, he was among the signatories of a resolution by the faculty to the governing board defending the president. Moore also appointed two nonacademics, former APSA president Frederick N. Judson, a lawyer from St. Louis who had been actively involved in public school reform, and Herbert Croly, author of *The Promise of American Life* and editor of the *New Republic*, which he helped found in 1914. Seligman had begrudgingly recommended Croly, who was highly regarded as one of the most prominent intellectuals of the Progressive Era. But Seligman's concerns over the appointment of nonacademics were well founded: neither Judson nor Croly contributed much to the committee, and neither was eligible to join the AAUP's committee on academic freedom that grew out of the joint committee. Although he had served on an investigation by a disciplinary association himself, Lovejoy commented specifically at the time that one of the reasons that an association of university professors should conduct academic freedom investigations instead of disciplinary associations was that the latter frequently had nonacademics among their membership.[14]

Even among members of the joint committee, different reasons for its establishment were later cited. According to Seligman, the committee was formed because of several "cases of alleged interference in the liberty of teaching," which had been publicized throughout 1913. More specifically, Small noted to Ross that "the immediate impulse was the Mecklin case at Lafayette, together with some rumors that things are not all as they should be at Pennsylvania." The latter most likely refers to the developing case of Scott Nearing. On the other hand, U. G. Weatherly, who served on the committee, later claimed that it had been formed to investigate two academic freedom cases of economists—which may be the reason why Coats claimed that the committee had been formed specifically to investigate the Fisher case. That appears not to have been so. Although Fisher's case was probably among those that Seligman recognized as having been publicized in 1913, the committee's charge did not include service as an investigative committee. In fact, Fisher did not contact Seligman to request that his case be considered until after the committee had been established, and the dismissal of Anson E. Morse, the committee's second case, occurred only after the committee had been convened. Furthermore, the president of the AEA, University of Minnesota economics professor John H. Gray, explicitly expressed the expectation that the committee would not consider issues of institutional governance, investigate cases, or protect individual faculty members. Seligman indicated agreement with Gray but noted that the committee would have to discuss the scope of its charge at its first meeting.[15]

The committee met for the first time in June 1914 in New York. Having merged into a single committee, its members decided that they should formulate a statement of principles of academic freedom. The committee invited Carnegie Foundation president Henry Pritchett to one of its meetings and requested that the Carnegie Foundation investigate two cases on behalf of the committee: Fisher's at Wesleyan University and Morse's at Marietta College. The committee communicated to Pritchett that the primary reason for asking the foundation to perform the investigations was its significant authority, which would likely compel institutional administrations to give responses that the presidents in the Ross and Mecklin cases had been unwilling to give. But it was also perhaps intended as a convenient way to address the expectation of AEA president Gray that investigations not be undertaken directly, as they would be conducted by another entity instead.[16]

There was good reason for Seligman to think that Pritchett would perform thorough investigations, as Pritchett's investigation at the University of Oklahoma had been publicized by the foundation. Later that summer, however, Pritchett simply provided Seligman with what Seligman described as ex parte statements from the institutional authorities at Wesleyan and Marietta rather than with a detailed investigative report. This came as a surprise to Seligman, who had understood Pritchett as having agreed to conduct an investigation that would involve "a careful sifting of the facts through further correspondence, oral examinations, etc." Seligman expressed significant disappointment to members of the committee over the failure of the foundation to investigate the cases, a sentiment that was shared by most of the members of the committee. But Pound, who had not attended the meeting with Pritchett, pointed out that the foundation "might be too thoroughly in sympathy with our American regime of despotic government by college presidents" and offered personally to defray some of the cost of having the committee conduct investigations itself.[17]

Pound further speculated that Pritchett had apparently developed "cold feet." There is reason to think that his observation was correct. Pritchett expressed concerns to Seligman over reports in the press that the foundation was conducting investigations of these cases as academic freedom violations, which Pritchett wished to disclaim, noting that he was simply providing the committee with information it had requested. One such report claimed that Wesleyan stood to lose its eligibility to receive pensions from the Carnegie Foundation. Although this was not in fact being considered by Pritchett, it was not an unreasonable impression, given that Wesleyan had disavowed denominational ties in order to qualify for the pensions yet had dismissed Fisher over a statement related to matters of religion. Judging

from a response by Shanklin to a letter from Pritchett, it is apparent that Pritchett had expressed frustration to Shanklin over the reports in the press and indicated that as a result he had decided no longer to serve as investigator for the joint committee. Throughout this period, Pritchett faced repeated criticism over the activities of the foundation and in particular over concern that the foundation was interfering in internal matters of institutions. Perhaps because of these reports, Pritchett confirmed to the trustees of the Carnegie Foundation in 1915 that when complaints were brought to the attention of the foundation, it was its general policy simply to request statements from the institutions accused of violating a faculty member's academic freedom and not to act further on them.[18]

Seligman subsequently conducted his own investigation of the Fisher case and was unconvinced as to its merits. He also told Fisher that a full discussion of the case could involve potentially embarrassing claims against him. Consequently, he recommended at the second meeting of the committee in November that the case be dropped. Although the committee agreed, Fisher complained to Seligman regarding the decision, and as a result Fetter produced a lengthy report on the case that remains unpublished. The AAUP's committee published only an abbreviated report in 1916, at which point the case was over three years old. Perhaps reflecting Seligman's and the committee's misgivings, both reports faulted President Shanklin but also faulted Fisher for tendering his resignation so willingly and quickly.[19]

Perhaps the most interesting argument contained in Fetter's unpublished report regards extramural speech, in which Fisher had engaged when he had discussed Sunday laws. Most arguments that establish extramural speech as an element of academic freedom are based on the claim that faculty should enjoy the same freedom as American citizens. Because the argument does not relate extramural speech to a faculty member's disciplinary expertise, however, its inclusion in definitions of academic freedom has been repeatedly contested. In fact, the joint committee's first report failed to include it in its definition. Fetter argued that if extramural speech were not protected, faculty could be dismissed over extramural speech as a pretext for dismissing them over their classroom speech or publications. What makes Fetter's argument attractive is that it relates extramural speech back to faculty expertise, but its limitation is that it is difficult to apply to faculty in disciplines in which classroom speech or research publications are unlikely to fall afoul of institutional authorities. Fetter's argument was clearly meant to establish a rationale for why the AEA, whose representative Fetter still was at the time, should address the dismissal. Fetter remarked in his report that some members of the AEA questioned taking up the case because Fisher's speech

was not related to his disciplinary expertise and so fell outside of the scope of the AEA's interests.[20]

Fetter presented an even-handed account of the different possible reasons that could have contributed to Fisher's dismissal, but, apparently owing to the complaint of a member of the AAUP's successor committee to Seligman that the report contained too many speculations, Fetter's report was shortened significantly before publication.[21]

The Morse Case

The committee also accepted the case of Anson E. Morse at Marietta College, noteworthy as the second well-publicized academic freedom case at that institution. The first, the dismissal of J. Allen Smith, had occurred in 1897. In both cases, a Progressive professor was informed that his views were unacceptable to a conservative trustee who served as secretary of the board: William Webster Mills, president of the First National Bank. Morse resigned in 1914, citing pressure from the president of the college who, according to Morse, was interfering with the curriculum in political science and eliminating his courses. Morse stated publicly that the reason for his dismissal was the apparent hostility of the college president and governing board to his political views. Morse's resignation and stated reasons for it were covered in the press, leading to countercharges by Mills, including that Morse had assumed "an impossible attitude" toward the president. Following the college's publication of a pamphlet titled "Academic Freedom at Marietta College," which implied that Morse had indoctrinated his students, Morse contacted the joint committee to request that his case be taken up.[22]

In a description of the Morse case in 1923 that he had prepared in *The Goose-Step*, his book on academic freedom in the United States, muckraker Upton Sinclair referred to Mills as the "grand duke of the board." It was perhaps most telling that Mills, in his role as secretary of the board, not only informed Smith of his dismissal in 1897 but also answered the letter by Pritchett to Marietta president George Wheeler Hinman, inquiring on behalf of the joint committee about the Morse case rather than having the president answer the letter himself. Hinman, who had been hired by the board shortly before Morse resigned, was a conservative newspaper editor without any experience in academics. As the *Ohio Teacher* (a publication not affiliated with Hinman) described in a report of Morse's dismissal, Morse was a "believer in the initiative, referendum and recall and [had] espoused the doctrines of the Progressive party generally." Hinman's inaugural

address, "Republic or Democracy: Which?", had railed against Progressive reform and promised to change education in political science, Morse's field, at Marietta, so as to equip students "to test . . . the alternative between representative republic and social democracy." Hinman's doubt that the conditions of the Gilded Age had been sufficient reason for any change in the political system of the United States made it abundantly clear how he would equip students to perform such a test. Hinman, as president, began to teach classes in "political history" outside of Morse's department. Although Seligman thought that the case was the more meritorious of the two the committee was considering, Morse had found other employment and desired not to involve friends who were still at Marietta, and so he contacted Seligman to withdraw his complaint.[23]

The Preliminary Report of the Joint Committee of Nine

The joint committee of nine had included the formulation of principles of academic freedom and tenure at its first meeting. Seligman asked its members to submit a tentative draft of what they believed to be the most salient concerns to be addressed. In addition to statements by most of the members, Ross also submitted a draft as president of the ASS. At its second meeting, Seligman proposed to the committee that only a preliminary report be issued at the end of the first year and that the committee be continued for another year. Neither of the two cases that the committee had agreed to consider had yielded clear results from which general principles could be derived, nor could the whole committee agree upon a sufficient number of general principles. The preliminary report consisted largely of questions that the committee believed a final report should subsequently address. It served as a precursor to the seminal "general report" of the AAUP's committee, which provided answers to most of the questions only a year later. In addition to its contribution to the shaping of the general report, the preliminary report also stands out as the first programmatic statement tying together academic freedom and tenure.[24]

Although the committee indicated that it had investigated cases of alleged academic freedom violations, its report explained the nonacademic membership of the committee by insisting that its function was "not that of a merely protective organization or professional trade union," an explanation most likely offered in response to the concerns of the presidents of both the AEA and the APSA and possibly in response to similar concerns about the founding of the AAUP, which occurred at the same time. The committee, it noted, was concerned not with the private but with the public good, and thus its

investigations had been conducted to further the public good that academic freedom served.[25]

Advocating academic freedom and its defense through the security of tenure, the report first had to establish what good academic freedom served and who was attacking it. The primary argument for academic freedom that the report offered was the contribution of science—which here was intended in its broadest sense to include the social sciences—to progress. Without academic freedom, the report stated, "there can be no progress." But the progress of science implied "new truth" that could offend the public because it also implied the "disappearance of old error."[26]

Given the tentative nature of the report, it advanced only a narrow definition of the scope of academic freedom: "freedom of speech or liberty of expressing in spoken or written word the results of scientific research." Yet this definition included freedom in the classroom, freedom of publication, and freedom of public speech when restricted to the areas of disciplinary expertise of a faculty member. It left open the question of full freedom of extramural speech, such as "the views of a biologist on the tariff."[27]

Having identified the university as the "chief home of science," the report distinguished between true institutions of higher learning and institutions that were created to spread specific doctrines—a distinction that would be drawn in similar terms in the general report—and declared that only true institutions of higher learning could foster freedom of thought. It further stated that the public had a right to expect that institutions of higher learning would be "unhampered by party bias or personal prejudice," regardless of the source of their funding. Turning its attention to the attack on academic freedom, the report observed that the interference with academic freedom in endowed universities and state universities differed only in its target but not in kind, an observation that was also made again a year later. This was an important observation because on the one hand advocates for specific positions, such as socialism or free trade, frequently noted the absence of academic freedom in endowed universities where their position was not adequately represented, and on the other hand conservative critics such as the Carnegie Foundation publicly raised concerns over academic freedom because of liberal, political interference by state governments in public universities. And thus the report pointed toward an attempt to analyze attacks on academic freedom in the two different kinds of institutions using one conceptual framework. Given its focus on matters related to the social sciences, the report specifically noted how the "danger zone" for academic freedom had shifted because of "the advent of democracy in politics and industry." The report thus cited the reform movements of the

Progressive Era as the main reason for the establishment of academic freedom.[28]

Although its central point was the similarity between the attacks on academic freedom from two different sources, the report carefully identified their particular reasons for putting social science into the "danger zone." In the case of endowed universities, the report stated that every question addressed by the social sciences "is more or less affected with private or quasi-private interests; and, as the governing body is naturally made up of men who through their standing and ability are personally interested in the private enterprises, the points of possible conflict are numberless." Furthermore, both parents of students attending endowed universities and donors to these universities tended to be conservative. On the other hand, public universities faced the opposite threat: because public sentiment and governmental policies tended to be more liberal, "the menace to academic freedom may proceed from the expression of views that in the particular political situation are deemed ultra-conservative rather than ultra-radical."[29]

One can surmise that it was Seligman's overall strategy for the report to condense from the multiple draft statements he received what consensus he could find and recast conflicting claims in the form of questions. Seligman clearly tried to incorporate many of the suggestions without committing to the ones that were most controversial. Weatherly's statement to Seligman that professors should not run for political office, Dealey's statement that academic freedom should not apply to faculty below the professorial ranks, and Judson's statement that professors should not contradict prevailing attitudes—and thus should not oppose segregation of the races in the South—were all cast, and sometimes slightly recast, as questions. Some of them were then answered a year later; others, such as the last, were simply dropped.[30]

Aside from Seligman, who was its main author, Frank Fetter had the most significant impact on the report. Seligman incorporated Fetter's draft report verbatim in several places, and Fetter's comments on the prefinal draft, which Seligman had sent to the members of the committee in advance of its presentation, caused the report to be modified in one highly significant way.[31]

Fetter expressed concerns about two sections in the draft, calling one, in the margins, a "dangerous doctrine loaded with dynamite for academic freedom." Those two sections tried to advance the concept of the scholar's responsibility counterweighing academic freedom by stating that "the academic teacher speaks with the authority of his calling and not simply as an individual" and that "the duty of the professor is to remember that he is act-

ing not merely as an individual but as the representative of an institution." In the accompanying letter, Fetter disagreed, explaining that there simply was no authority of scholars other than that of their own accomplishments, their character, and the respect of their peers. Authority of individuals was an individual accomplishment and not derived from an individual's calling. Fetter also pointed to the dangers of failing to observe "wide limits of toleration," because otherwise "the supervision of other scholars may well become as dangerous as that of church, state or trustees could be."[32]

Basing limits of academic freedom on the claim that professors were in general speaking as representatives of their institutions would have seriously undermined the efforts of the committee. It was, after all, the fact that trustees and presidents were concerned about the public perception of their institutions, and how such perception was affected by the utterances of professors, that sometimes brought about professors' dismissals. Explicitly recognizing this as a reason to limit academic freedom would have made it exceedingly difficult to oppose such dismissals. But Fetter argued against its inclusion on different grounds, namely, that it was important to "insist that there is no brand of Columbia, Princeton, or Wisconsin theory of money, tariff policy, etc." He insisted categorically that an individual did not "speak with the authority of his college department" and that, again, toleration of different ideas—this time within a department—was essential. In response, Seligman removed both sentences. He replaced the reference to being a representative of one's institution with being a representative of science in the report, however, without tying this relationship to the scientist's authority.[33]

The report also addressed the definition of tenure. Calling the "hired man" concept of faculty "destructive to the scientific spirit of the work, and to the dignity of the profession necessary to attract able scholars and teachers," the committee described its rationale for the security of tenure but did not prescribe how to secure it. The committee observed that interferences with academic freedom often took "milder" forms than outright dismissal, but that disciplinary measures short of dismissal could rarely be shown to have been imposed in violation of academic freedom. But because dismissal was the most severe disciplinary measure, it deserved the most attention by the committee and led it to consider the matter of tenure. A section based entirely on Fetter's draft described "academic teaching," even in private universities, as "quasi-public official employment in which the original appointment is made" by a governing board that is "bound to act not as private employers or from private motives but as public trustees." Again, the observation that trustees of colleges and universities were trustees for the

public was a novel concept that was formulated somewhat more succinctly a year later. Yet in the preliminary report this conception of trustees was not justified but simply stated. The "quasi-public" conception of professorial appointment, on the other hand, was accompanied by a rationale. The need for the security of tenure was justified in three interrelated ways: it was a safeguard for "disinterested scholarship," it assured the contribution of that scholarship to the common good, and it also made the profession more attractive for talented individuals. The committee did not want to commit itself to how the security of tenure was to be safeguarded, and thus it simply posed the questions about whether faculty should be given a hearing before a possible dismissal, and if so whether such a hearing should be held by a committee of faculty. The report concluded by requesting the continuance of the committee. Seligman presented the preliminary report at the business meeting of the AEA at Princeton, which approved it. The meeting occurred on December 29, 1914, three days before the founding meeting of the AAUP in New York.[34]

The joint committee of nine was part of a larger movement to advance the professionalization of the professoriate. Rather than simply defending individual faculty members, it sought to provide a rationale for academic freedom that would contribute to this professionalization. The founding of the AAUP occurred alongside the operations of the joint committee, and, given the substantial agreement on overall goals and the challenges that the joint committee faced in conducting its operations under the auspices of professional social science associations, the two would subsequently merge.

CHAPTER FIVE

The Founding of the AAUP

First Steps toward a New Association

On February 3, 1912, Lovejoy wrote a letter to Cattell in which he asked, "do you contemplate taking steps towards the organization of the Association of University Professors, of which you spoke during your . . . visit to us in Baltimore? I very much hope that the thing will be started this year." It was the earliest known exchange over the founding of the AAUP, by two prominent faculty members who were actively involved in its organization. In April, Lovejoy sent additional thoughts on the purpose of such an association to Cattell. Some of the concerns he expressed would be prominent themes throughout the organizational phase. Lovejoy wrote,

> I'm strongly of the opinion that . . . the emphasis at the outset should be laid upon the idea of the discussion of general questions of higher education policy; while the other purpose, of forming a "trade union" for the defense of the general interests and ideals of the university teaching profession, and for the better definition of standards of conduct, should be also mentioned, but given the second place. There's no reason to fear, I think, that an organization formed for these purposes will not be reasonably militant in behalf of the second sort of interests, when specific occasion for militancy arises. On the other hand, if the big stick were too much in evidence at the beginning I suspect a good many excellent men would hesitate to join the association.

His suspicion of the hesitation of many faculty would prove to be well founded. Following this exchange, neither Lovejoy nor Cattell took any steps toward organizing the association that year.[1]

Over a year later, Lovejoy wrote again to Cattell: "now that your book on 'University Control' is out, the time should surely be ripe for the launching of

our Association of University Professors. . . . [I] will try to find time shortly to realize my long unfulfilled promise to send you and Dewey some suggestions towards a call for the organization of such a society." Lovejoy's reference to Cattell's book gave a clear indication of Lovejoy's thinking about the focus of the AAUP: it should focus on matters of governance. In May 1913, Lovejoy sent Cattell a first draft of a call, after which the organization of the AAUP began in earnest.[2]

The Hopkins Call

In the spring of 1913, Lovejoy coordinated the "Hopkins call," a letter signed by "most of the full professors" at Johns Hopkins University and sent to the faculties of nine leading research universities. The work of Lovejoy and others throughout that year and the next culminated in an organizational meeting on January 1 and 2, 1915, in New York City. The selection of addressees reflected an early elitism, that is, a desire to form an organization consisting of the professors of the most prestigious research universities. The purpose of the call was to convince this elite group of professors to join the movement for the founding. To that end, it presented a rationale for forming an association of the professoriate and a description of both its general purpose and specific areas of activity in which it might engage.[3]

Situating the profession, the rationale recognized the two communities to which professors belonged: that of their discipline and that of their institution. In turn, as a member of an institutional faculty, the call argued that the professor was also a member of a larger professional body: the professoriate. Providing an argument that faculties of local institutions belonged to a larger professional body was crucial to establishing a raison d'être for the association. Faculty members already understood themselves to be members of the former but not necessarily of the latter. Within academic institutions, the function of the faculty was described as a "legislative body," a term Lovejoy used repeatedly throughout this period. The argument for the close relationship between local faculties and the larger professoriate was only briefly sketched and relied on the claim that "questions of educational policy" on which faculties at individual institutions might legislate "are of more than local significance." It thus pointed to an emerging national system of higher education in the process of replacing a collection of individual, mostly unrelated, institutions, and posited the importance of an organized professoriate to help shape it.[4]

The central argument supporting the rationale for forming an association was that the interests of both the disciplinary and professorial communities

would benefit from "cooperation and the interchange of views, and therefore [from] organization." Noting that disciplinary associations already addressed disciplinary interests—identified as "the advancement of learning and the diffusion of knowledge"—the call acknowledged that the interests of the broader professoriate were not currently being addressed. It identified the responsibilities of the latter as "custodian of certain ideals, and the organ for the performance of certain functions essential to the well-being of society." In addition to the ideals and social function of the profession, the call stated that professors had a clear interest in "the character, efficiency, public influence and good repute" of the profession itself.

The call further enumerated what purpose the association would have and what activities it might engage in. The association was to serve three roles: as forum for the discussion of educational problems, as organ for pronouncements on behalf of the profession as a whole, and as vehicle for collective action of the professoriate. As examples, which it noted were not meant to predetermine the course of action of the association, the call identified several topics that the association might address: individual educational problems, including questions related to graduate studies and university governance; principles of tenure, dismissal, and professional ethics; and, finally, the establishment of a "representative judicial committee" to investigate violations of academic freedom or cases in which "serious and unwarranted injury to the professional standing and opportunities of any professor" was alleged.

Both the establishment of principles of tenure and the investigation of violations of academic freedom—and, more broadly, the relationship of the proposed association to the established order of university government—proved to be areas of disagreement and difficulty throughout the organizational phase and immediately thereafter.

The Early Organizational Phase: 1913

First warnings came from Cornell. In May 1913, Lovejoy received a response to the call from fellow philosopher J. E. Creighton expressing general support for the plan and an expectation to be able to collect signatures at the institution. Yet he had encountered concerns from "one or two of our most prominent men whose names we should especially like to get." They were requesting additional details of the proposed aims of the association, and while they were impressed by the stature of the Hopkins signatories, they "wanted some assurance that the idea behind the movement was not that of attacking the existing condition of affairs in any destructive or

antagonistic spirit." Even Cattell, who actively supported the founding of the association, recognized the danger of creating a militant public image, admitting to Lovejoy: "It is just as well that I, belonging to the extreme left wing of the fraternity, should not take a prominent part in the organization, though I want to do everything I can to help." The recognition of these concerns apparently extended to all "wings" of the founding movement.[5]

By October, Lovejoy contacted Roscoe Pound to ask him to represent Harvard at a proposed first organizational meeting. At that point, Lovejoy was able to attach two additional calls, one from Columbia and one from Cornell, which were written to express support for the establishment of the association. Lovejoy also noted that similar calls were being circulated at the University of Chicago and the University of Wisconsin. While the Cornell call mentioned the establishment of principles of tenure, neither the Cornell nor Columbia calls identified the investigation of violations of academic freedom as a potential activity of the association.[6]

The first organizational meeting was subsequently arranged to be held on November 17, 1913, so as to coincide with a meeting of the National Academy of Sciences in Baltimore. Again, Lovejoy received expressions of concern from Creighton, warning him to expect some resistance at the meeting and noting that, during discussions at Cornell, "the feeling, or fear, that the Assn. might be formed in something of the spirit of trade-unionism seemed to be hard to dispel." Upon Lovejoy's request to provide advice on how to move forward, Creighton stressed the importance of defining the aims of the association not relative to "external conditions that need reforming," but rather to enable professors "to reach a consciousness of the essential ends and purposes of their own profession." Remarking that "all genuine reforms begin at home," Creighton pointed to the importance of organization to build broad agreement on goals from within, at which point "the necessary external reforms will come as mere incidents." Reiterating its main conclusion, Creighton wrote, "it would be a mistake to begin by emphasizing external matters as if they were really the one vital thing."[7]

Such concerns and suggestions continued to be voiced throughout the organizational phase, and Lovejoy clearly adjusted the public presentation of the goals of the proposed association to reduce the appearance of militancy. But this did not keep him from presenting his own views regarding the need to reform the existing order when he was not speaking in an official role for the organizational efforts of the association.

Seven delegates of the nine invited institutions, in addition to representatives from Hopkins, attended the first organizational meeting. Eighteen delegates met at the Johns Hopkins Club and elected Johns Hopkins University

philology professor Maurice Bloomfield as chair. Among the delegates was University of Wisconsin professor and director of home economics Abby Lillian Marlatt. The presence of a woman in a gathering of senior professors was sufficiently unusual that it was later reported that she had been received "with trepidation." The University of Wisconsin was the only public institution among the eight. Sending a female representative was perhaps intended as a testament to the liberal reputation of the institution. The subsequently appointed committee on organization had no women members, although Cornell University economics professor Alvin Johnson, a member of the committee, wrote to Dewey at one point, "I should personally like to see Emily Greene Balch of Wellesley on the committee, but I suppose it is impracticable to make any such concession to feminism."[8]

In spite of the warnings that Lovejoy had received, the meeting agreed unanimously to continue to undertake the founding of an association. Invitations to attend the meeting had been extended only to faculty members at the most elite universities, and so a central question of the meeting was to determine on what criteria initial or charter membership should be based. A point of contention was whether membership should be granted to individuals or institutions. There was widespread disagreement between these alternatives. The latter was perceived as potentially more elitist, as it might rule out academics of high standing who happened to be at less prestigious institutions. A report from the Princeton delegation summarized the main conclusion reached at the meeting: "membership should be chosen on the basis of scholarly standing and productiveness rather than connection with a particular institution." The meeting instructed Bloomfield to appoint a committee on organization, broadly representative of disciplines and major institutions, which should determine rules for membership, draft a constitution, and arrange for an organizational meeting. The delegations discussed but left open the question of whether there should be local groups or chapters of the association. In the opinion of the attendees, membership should be extended to all professorial ranks but not to instructors.[9]

The Committee on Organization: 1914

In March 1914, the composition of the Committee on Organization was announced in *Science*. It consisted of twenty-five members but grew to thirty-four by the end of the year in order to increase the representation of public institutions. Columbia University philosopher John Dewey served as the committee's chair and Lovejoy as secretary. Among the members were Stanford engineering professor Guido Marx and Harvard law professor Roscoe

Pound. Four of the members of the committee went on to serve as presidents of the association: in addition to Dewey and Lovejoy, Edward Capps (classics, Princeton) and Frank Thilly (philosophy, Cornell).[10]

Given its size and geographical distribution, the committee conducted its deliberations primarily via mail. Dewey's first "circular" requested that all members provide a brief statement on their conception of the purpose of the proposed association; on whether the decision of the Baltimore conference that membership be based on scholarly standing should be honored and, if so, how scholarly standing should be determined; and on whether the question of local chapters should be settled before or during the founding meeting. Recognizing the difficulty of conducting business of a relatively large committee by mail, Dewey requested permission to establish a subcommittee that could meet in New York in order to review and collate replies. Finally, he requested suggestions for a time and place for the founding meeting and for topics to be discussed at that meeting and subsequently by the association.[11]

Qualifications for charter membership were the most difficult problem to address, and research and scholarship in particular were important considerations in determining qualifications for membership that reflected the role they had played in professionalizing the professoriate. Discussing the difference between the workload of college and university professors, the Carnegie Foundation observed in 1908 that the most significant reason for higher teaching loads in colleges was that "in the universities the value of research work is emphasized," determining that "a professor in a university of the first class must be more than a good teacher; he must also be a productive scholar." Scholarly accomplishments were central to the emerging professional identity of the professoriate, a fact that required recognition in the conditions for membership if the association were to promote professorial professionalization.[12]

As Dewey had noted in the circular, however, a minority of attendants at the Baltimore conference had expressed significant opposition to the establishment of scholarly qualifications for membership because it created the "the difficult, delicate and laborious task" of rating the scholarship of all prospective members. Conversely, as the early activities of the Carnegie Foundation attested, judging which institutions of higher education should be classified as sufficient for membership would not be an easy or uncontroversial task either. Committee members considered a number of existing rankings—including those of the AAU, the Bureau of Education, and the Carnegie Foundation—but were unable to agree to use one of these.[13]

Members of the committee responded to Dewey with a wide range of proposals on how to define membership requirements, and by the middle of

April 1914 he wrote to the committee to summarize the twenty-one responses received by then. While only a few responses favored limited membership, a majority of responses continued to advocate individual rather than institutional membership based on a broadly interpreted criterion of professional standing.[14]

Even some, like Alvin Johnson, who favored a more inclusive membership, suggested "limiting ourselves to those teachers who have won distinction, for the present" by pointing to the status consciousness of the professoriate: "unless these join first of all, they never will." Furthermore, Pound observed that, because of the recent proliferation of associations, "if such an association is to have any weight, it will be because of the standing of its individual members."[15]

In a response to Dewey, on the other hand, Guido Marx objected to both institutional and individual restrictions, advocating instead "one organization that is soundly democratic." Remarking upon "the elusive quality and protean materializations of that seductive phrase 'productive scholarship,'" Marx observed that "the phrase may imply originality and independence of mind coupled with a lofty ideal of service—but it may also imply the exact reverse." But Marx also opposed identifying only the most prestigious institutions at which to find members. Although the founders tended toward elitism initially, within a few years the essence of Marx's view came to be adopted.[16]

At the end of April, a subcommittee met in New York to discuss the responses received from committee members and to formulate definite proposals based on them. It decided to follow the majority view and recommend that membership be on an individual basis. It required eligible faculty to have "attained recognized standing as scholars and teachers," which was a somewhat broader phrase than what the Baltimore conference had proposed. The issue of membership of administrative officers continued to be contested, and the subcommittee forwarded different options for resolving the issue to the members of the full committee for consideration. They ranged from being eligible for full membership to being entirely ineligible. That the issue was subject to continuing discussion points to the early establishment of the third category of "administration" in addition to the faculty and the governing board. Yet making that distinction and having it be reflected in the criteria for membership were controversial, pointing at the same time to the fact that this third category had not yet been fully established.[17]

The full committee subsequently approved the membership proposal of the subcommittee, and members were asked to provide a list of nominees for charter membership from their home institutions and from their disciplines. In order to draw up lists from additional disciplines and institutions,

particularly from public institutions, Dewey invited additional members to join the committee.[18]

The subcommittee was able to adopt the following statement regarding the purposes of the association, which, except for a few changes in wording, was subsequently distributed to prospective members:

> The purposes of this Association shall be to bring about more effective cooperation among the members of the profession in the discharge of their special responsibilities as custodians of the interests of higher education and research in America; to promote a more general and methodical discussion of problems relating to education in higher institutions of learning; to create means for the authoritative expression of the public opinion of the body of college and university teachers; to make collective action possible; and in general to maintain and advance the ideals and standards of the profession.[19]

Throughout the discussions of the committee, the question of what role both defining principles and investigating violations of academic freedom should play in the activities of the association caused significant disagreement. Even within the committee, cautious voices outnumbered those who were strong proponents of embarking on a defense of academic freedom, and these cautious voices became more numerous as invitations were sent to nominees.

Some members certainly were in favor of defending academic freedom. A suggestion by Alvin Johnson not to "content ourselves with mere investigation and reports of findings, but . . . to grant a temporary subsidy which would permit a professor unjustifiably deprived of his position to devote himself to a work of scholarship, to aid in rehabilitating himself" was perhaps the most ambitious proposal. Another response advocated the "investigation in appropriate cases of alleged injustice in removal from office."[20]

Yet even those who acknowledged that conditions of tenure "might be strengthened by a suitable statement . . . of the proper position of the scholar" warned against "the idea that we are forming a sort of professors protective association," adding, "anything that tends in this direction will do harm and make us ridiculous." Similarly, another response warned that the greatest danger for the association was to "degenerate into a committee of appeal for disgruntled members." While the majority of the members of the committee did not take a position on the possibility of the association's engaging in this area, there was an abundance of caution.[21]

One question that the committee was unable to decide was the desirability of local chapters. Princeton University classics professor Edward Capps raised the concern that they would "make the administration cumbersome"

because "the central administration would have to see to the formation of Chapters, to keep them going, etc.; and the failure of any Chapter to be active in its community would . . . tend to discredit there the organization as a whole." On the other hand, Lovejoy, who had voted against membership on an individual rather than institutional basis, remarked that asking the committee to nominate members from their own institutions would result in "virtually forming local groups." Nevertheless, the issue of chapters would have to wait.[22]

Preparing for the Organizational Meeting

Another subcommittee meeting occurred in November. At this point, members of the committee had submitted two lists of nominees for membership: a "local list" from their home institution and a "subject list" from their discipline. According to notes taken by Lovejoy, 916 faculty members had been nominated on local lists for twenty-three different institutions. All of these nominees were approved for invitation by the committee. From the subject lists, the committee only selected nominees who were either from one of the institutions represented on the committee or else professors from institutions that had at least five faculty members on the subject lists. The committee also excluded nominees from professional schools not connected to any university. In the end, in spite of the decision to insist on individual membership, institutional affiliation became an important secondary criterion. By Lovejoy's calculations, there were now 1,382 names from both lists from a total of 149 institutions. Letters of invitation were to be sent to each of these faculty members. The subcommittee set the date for the organizational meeting as January 1 and 2, 1915, and authorized the chair to appoint a subcommittee to draft a constitution. Although the existence of a governing body or council of the association was mentioned throughout the discussions of the committee, it made no final decision on its composition before the subcommittee drafted the constitution.[23]

Dewey and Lovejoy made all the arrangements for the organizational meeting, including addressing such mundane issues as renting the Chemists' Club, where the event was to be held, arranging for dining opportunities close to the club, and dealing with a printing and direct mailing company that prepared the invitations and apparently lost some of the lists of names.[24]

The invitations consisted of a cover letter and "Call for the Meeting for Organization of a National Association of University Professors." The cover letter enumerated topics that the meeting would have to address. While the committee had determined who should be invited as charter members, it

was clear that formal conditions for membership would have to be decided by the charter members attending the organizational meeting. In addition, the eligibility of administrators for membership and the formation of chapters had to be addressed. Finally, the letter mentioned that topics that the association might wish to consider should be discussed at the meeting.[25]

While neither the original Hopkins call nor the cover letter was published in full, the "Call," which accompanied the cover letter, was subsequently published in the association's serial publication, the *Bulletin of the American Association of University Professors*. In addition to the description of the purpose of the association that the subcommittee had agreed to, the call listed the following wide range of topics as those that the association might address:

> the proper organization of departments, and their relation to one another; the relations of instruction and research, both in colleges and graduate schools; the adjustment of graduate to undergraduate instruction, and of professional studies to both; the possibility of co-operation between universities to prevent unnecessary duplication of effort; the effectiveness of the manner in which the university teaching profession is now recruited; the problem of graduate fellowships and scholarships; the desirability and practicability of an increased migration of graduate students; the suitable recognition of intellectual eminence, and the manner of awarding honorary degrees; the proper conditions of the tenure of the professorial office; methods of appointment and promotion, and the character of the qualifications to be considered in either case; the function of faculties in university government; the relations of faculties to trustees; the impartial determination of the facts in cases in which serious violations of academic freedom are alleged.[26]

The call also noted that this list was not meant to predetermine the focus of the association. Instead, it proposed what it posited as essential principles that required the organization of an association:

1. "That, in the working out of a national policy of higher education and research, the general body of university teachers shall exercise an effectual influence."
2. "That in the determination of the future of the profession, the profession itself shall have a voice."
3. "That issues hereafter arising which may seriously affect the work of the universities, or the usefulness, dignity, or standards of the professorate, shall be dealt with only after careful consideration and wide discussion."[27]

The first of these three was clearly aimed at the movements for standardization in which the Carnegie Foundation, the AAU, and the Bureau of Education were already engaged. Arguably, the second and third appear to be directed at these national movements for standardization as well as individual universities and their administrations.

Dewey and Lovejoy received a large number of responses to the invitations. The responses ranged from gratefully accepting the invitation, to indicating an acceptance but an inability to attend, to declining. But a number of the responses took issue with the very project and conveyed concerns over the focus on academic freedom and the appearance of founding a "trade union."

Andrew F. West, a dean at Princeton, observed that he was in favor of "any soberly considered plan for maintaining the academic freedom of university professors, provided that freedom is to be both reasonable and responsible," but warned that "if the Society should deteriorate into a general grievance committee, or if the suspicion of political methods should attach to it, or if it should foster contentious discontent, it would lose its value and usefulness." Another response, from the University of Michigan, noted that "while many of the objects named in your printed circular are worthy of a serious effort, it seems to me doubtful whether these objects can best be attained thru an association of university professors," adding, "class spirit is a dangerous thing." A response from a faculty member at Wesleyan, where the Fisher case had generated significant publicity, indicated that "there is, I think, no need to cultivate [group consciousness] in our profession, since it already exists in an exaggerated form, as witness the present hysteria regarding 'academic freedom.' "[28]

A number of responses referred specifically to reports about the association in the press. A second faculty member from Wesleyan remarked, "so far as I have been able to judge from what I have read in the public press the primary purpose of your association has been to investigate cases where someone had reason to believe academic freedom had been threatened." He added, "I am somewhat doubtful whether more evil than good may not be done by such investigations." A response from the University of Chicago pointed to discussions in *Science* and declared that they seemed "to imply that our calling . . . is something quite other than 'a noble profession'; it seems rather a trades union, squabbling unreasonably for power and for limitation of work and responsibility," and "I could only give my most earnest opposition to the formation of anything like a Chinese Guild or a Labor Union in our vocation, or any association devoted merely to its narrower selfish interests and in antagonism to cooperative functions."[29]

With the organizational meeting of the association only weeks away, both Lovejoy and Dewey were clearly concerned about these letters. In response to a report in the *Atlantic Monthly*, Lovejoy published a letter to the editor in *Science*, noting that the former had contained a "statement concerning the committee on the organization of a national Association of University Professors" that "seriously misrepresents the functions of the committee and the purposes of those interested in the organization of the new society." Lovejoy insisted, "the committee is in no sense a body for the investigation of grievances or for the examination of internal conditions in American universities."[30]

Yet there were also voices in favor of academic freedom. Tufts University geology professor Alfred C. Lane wrote to Lovejoy about the need for a broad membership base, so that "if questions of Academic freedom should come up . . . the offending college or university would find it impossible to get a decent man to take his place." Any faculty who were to accept a position vacated under "political or other improper grounds," his letter further suggested, "would if a member be expelled, and if not a member be debarred from becoming one." Finally, he suggested that a "natural early subject for discussion would be whether the Carnegie Foundation definitions of college and university were satisfactory."[31]

Nevertheless, based on the topics submitted, the Committee on Organization took votes on which ones to propose to the organizational meeting. What appears to be a tally of votes cast by members of the committee on one proposal to consider academic freedom as a topic and another to consider investigations of violations of academic freedom shows they received an insufficient number of votes. Therefore they were not proposed by the committee. Instead, it decided to present to the meeting two topics: the methods of appointment and promotion and the manner in which the university teaching profession is recruited. The importance of the choices of these topics should not be discounted, however. They were, at their core, about the allocation of authority in institutional governance, as university presidents were primarily or, in many institutions, solely responsible for recruiting, appointing, and promoting faculty.[32]

The Organizational Meeting

The organizational meeting of the American Association of University Professors took place at the Chemists' Club in New York on January 1 and 2, 1915. In addition to published minutes of the meeting, additional records include an unpublished set of longer minutes, contemporary descriptions, and a

subsequent recollection. Over 250 professors were in attendance, among them James McKeen Cattell and Edward Ross. Dewey served as chair of the meeting. The attendance of "woman members of the profession" was acknowledged with thanks to the Women's University Club for the courtesy it had extended to them, but no estimates can be found of how many attended.[33]

The meeting began with Dewey's introductory address that was steeped in Progressive rhetoric. After briefly outlining the work of the Committee on Organization, Dewey explained the reason for founding an association in great detail. He acknowledged the extensive growth that higher education had experienced in the absence of any central force, governmental or otherwise, to direct this growth. Dewey expressed the widely shared appreciation that higher education had been revolutionized, but this revolution had involved only a limited number of concerted efforts of individual institutions, which had been based on "the pressure of like needs, the influence of institutional imitation and rivalry, and [the] informal exchange of experience and ideas." While the efforts of individual institutions would continue to be important, Dewey asked, "have we not come to a time when more can be achieved by taking thought together?" The argument for organizing an association was thus based a central Progressive article of faith of the advantages of community over individualism.[34]

Echoing the sentiments expressed by Cattell and Lovejoy, Dewey stressed that the central purpose of the new association would be to reform institutional governance. Dewey characterized the latter as "a machinery designed for very different conditions" and "a heritage from colonial days and provincial habits," sentiments Progressives regularly invoked to describe the political order they wished to reform. Thus, Dewey attested, "our official methods of fixing fundamental educational polity as well as of recruiting, appointing, promoting and dismissing teachers, are an inheritance from bygone conditions." The only reason that there had not been more discontent was that this "inherently absurd" system of governance was "made workable because of the reasonableness and good will of the governors on one side and, even more, of the governed on the other." The need for "ascertaining, precipitating in discussions and crystallizing in conclusions the educational experiences and aspirations of the scholars of the country" had been established. These conclusions would help address the central concern of reforming governance, particularly because the deliberations would be separated from the local setting of the individual campus, and thus from "passion, prejudice, partisanship, cowardice and truculence alike."[35]

Having established the reform of governance as the primary goal of the association, Dewey had to address the concerns expressed both within and

outside of the organizing committee. First, in spite of advocating reform, Dewey expected that administrators and trustees would welcome the democratically established, expert views of the profession as a whole. Turning the argument against the critics of the association, Dewey claimed "to think otherwise is to dishonor both ourselves and them." More specifically, Dewey had to address two matters that had been so frequently raised: the specter of "trade unionism" and the focus on academic freedom.[36]

While he argued that the charge of forming a trade union was groundless, Dewey asserted his respect for unions, a move that was apparently intended to undermine the very use of the term as an epithet. Clearly, Dewey noted, all of the subjects the association might study have economic aspects, and so such aspects were legitimate objects of study. But this was not the concern of the critics: instead, the purpose of accusing the association of engaging in trade unionism was "to suggest a fear that we are likely to subordinate our proper educational activities to selfish and monetary considerations." Dewey noted that such a charge had never been leveled against the associations of physicians and lawyers, and so he asked why exactly a professional body of university teachers would be different—although he was glossing over the primary difference between the former and latter, which, as Lovejoy had pointed out, was that professors were in fact employees of governing boards. Dewey's argument, however, was that the history of the professoriate suggested that it had never subjugated its ideals to materialistic considerations. Therefore the charge of trade unionism was unfounded.[37]

Finally, Dewey addressed claims in the press that academic freedom was the "chief cause" of the association. Dewey acknowledged that cases of violations of academic freedom occurred—an acknowledgment that he famously followed with the dictum "but such cases are too rare to demand or even suggest the formation of an association like this." Furthermore, Dewey pointed to existing activities of disciplinary associations in this area, and rather than having to discuss the principle of whether they should be investigated at all, it was at this point simply a matter of working out the details of who should investigate them. Because the main role of the association was to formulate standards of the profession, Dewey believed that "the existence of publicly recognized and enforced standards" would protect academic freedom. Although Dewey had to retract some of this optimism only a year later, it was much in line with the views he had expressed on academic freedom over a decade before and again just before the founding of the association. Still, events during the first year turned out to be different than expected.[38]

Following Dewey's address, the first motion approved was to organize the association. A letter by Professor Basil Gildersleeve of Johns Hopkins,

who had been invited to attend, was read in support of the motion. Dewey had written to him, remarking upon the widespread recognition of Gildersleeve as the "doyen of American higher scholarship, and as an exemplar of the spirit which should animate the whole professoriate." Gildersleeve, who was in his 80s and had fought in the Civil War, was unable to attend, however, and so Dewey asked him to send a letter to be read at the meeting to serve as his "benediction" to the founding of the association. Recognizing the development of the professionalization of the professoriate in the United States, Gildersleeve noted that the establishment of Johns Hopkins had marked "the beginning of a new era in professorial life," namely, "the institution of a regular career for a man who would aspire to a part in the higher ranges of educational work." Gildersleeve identified as an important goal of the association "to insure better methods of selection so that the choice shall not be swayed by the prejudice, favoritism, whim of any individual," a goal that he strongly supported. Gildersleeve concluded, "I am an old man, but not a patriarch, and instead of the 'benediction' you ask, I send you and associates my cordial wishes for a successful issue of your deliberations."[39]

The next order of business was the approval of the constitution, which was a lengthy if not excruciating process. After a multitude of amendments and substitute amendments, the constitution was provisionally adopted, and referred to a committee to be finalized and submitted to the next annual meeting for approval. A number of these amendments were made by Dean Andrew West, who had sent concerns over the objectives of the association to Dewey and whose actions were later described as that of a "distinguished dean who kept bobbing up, nine or ten times . . . with suggestions or amendments, apparently intended to impede the process of organization." Concern over administrative interference in the activities of the association was clearly present at the organizational meeting, and it found its reflection in the debate over administrative membership in the association.[40]

The main decisions made at the meeting were with respect to membership and to the governance of the association. Membership required having held a teaching position for at least ten years and currently serving at a professorial rank, so instructors were excluded from membership. Also excluded were presidents and all those administrative officers who did not teach. The eligibility of university presidents for membership was discussed at length. Two different reports on the meeting remarked that following a motion proposing that presidents be eligible for membership with the right to speak but not to vote, Cattell offered the amendment that they should have the right to vote—but not to speak. Perhaps because it was widely recognized to have been made in jest, none of the known records indicate

whether the amendment was voted on. Nominations of professors for membership would have to come from three members and be approved by both the governing council and the annual meeting. Annual dues were set at $2.[41]

The meeting also approved the establishment of a governing council, to consist of thirty members, and of the offices of president, vice president, secretary, and treasurer. The nominating committee presented a slate of candidates for officer positions and council, which was adopted by the meeting after a nominee for council who held only an administrative appointment was struck upon a motion from the floor—an act perhaps intended as a self-assertion of the professoriate. Vacancies remained in the office of secretary and for some of the thirty council positions, and the council was authorized to fill these vacancies. John Dewey was elected president, a position he apparently accepted only after being persuaded by Lovejoy over the course of several hours. Lovejoy himself subsequently accepted the appointment as secretary. While the presidency and vice presidency had one-year terms, both the secretary and treasurer had three-year terms. Similar to other associations, the role of the secretary was to facilitate communication by conducting all external and internal correspondence of the association. As such, the position was arguably more powerful than that of the president.[42]

The last order of business was to identify which issues the association should address during the first year. Lovejoy read a list of topics that the organizing committee had received from individual members. From those, he presented the ones that the committee had selected: the methods of appointment and promotion, and the manner in which the university teaching profession is recruited. Seligman later recounted:

> While the Association was discussing what topics should be taken up by the council for investigation during the coming year, the chairman of the joint committee of nine [i.e., Seligman himself], who happened to be present, suggested that it might be well to consider also the general problems of academic tenure and academic freedom. The motives which impelled him to make this suggestion were twofold. In the first place it was realized that while the teachers of political and social science were today primarily the ones on the firing line, they were by no means the only ones; and that not a few cases affecting the other sciences, both the natural sciences and the philosophical sciences, presented themselves from time to time. A more comprehensive body like the new association was obviously the one best fitted to consider the broader aspects of the entire problem. The second consideration which was responsible for the motion was the hope that when the new and enlarged committee was formed, the joint committee of nine

might be allowed to go out of existence and its chairman be permitted to give up the responsibility which was weighing so heavily upon him.[43]

Finally, the secretary read "The Carnegie Foundation for the Advancement of Teaching and Middlebury College," a paper submitted by Harvard philosopher Josiah Royce. At the request of the state government, the foundation had conducted a study of the education system of Vermont in 1914 that in the words of Royce recommended, among other things, that "either the state must completely own and control an institution or it must leave it wholly to private benefaction." The Carnegie Foundation was thus recommending that the State of Vermont no longer support its private colleges, such as Middlebury College, in any way. Royce remarked, "like any body whose interests are primarily administrative it has shown a strong tendency to standardize our academic institutions" and expressed concern about the foundation's possible interference with individual and institutional independence.[44]

The meeting adopted motions to consider the two topics proposed by the Committee on Organization, the issue of academic freedom as proposed by Seligman and, based on Royce's paper, the topic of "the limits of standardization of institutions." After expressing thanks to hosts and organizers, the meeting adjourned.[45]

The establishment of the association was covered in the press. Commenting specifically on the concerns that Dewey and Lovejoy had tried to allay, the *New Republic* commented on the number of speakers who "seemed to be morbidly afraid that the association might be popularly misconceived as a labor union. Almost they did protest too much. A union of professors must differ essentially from a union of wage-earners, but the new association is seeking none the less an object analogous to that of an ordinary union. It is seeking increasing independence for its members by means of organization and community of spirit."[46]

The Carnegie Foundation welcomed the establishment of the AAUP, calling the movement "extremely interesting and promising" because "such a body ought to be able to promote in a helpful way the discussion of questions relating to higher education and to the organization and conduct of our universities." It concluded, "those who have to do with universities and colleges, whether as trustees, presidents, or teachers, will welcome this movement heartily."[47]

Lovejoy wrote to professors who had been invited to attend but had not, inviting each to charter membership. Acknowledging the German heritage of the American professorial profession by employing the German term for "academic discipline," the invitation requested that charter members

nominate "one or more among colleagues in his own faculty or his own *Fach* who have recognized standing in scholarship or scientific production." A list of charter members by institution was published by the association, identifying 867 members from 60 institutions. Membership was clearly tilted toward the most prestigious research institutions: while only one-third of the institutions represented among the charter membership were members of the AAU, faculty from these institutions made up two-thirds of that membership.[48]

The founding of the AAUP was an important milestone in the development of the professionalization of the professoriate. It demonstrated, particularly to existing educational organizations and foundations that represented administrators and financial interests, that the professoriate wished to establish a collective voice. The fledgling association now needed to assume this role and follow up on the topics it had adopted for consideration. But events during that year focused all of its energies on just one topic: academic freedom.

First Investigations and the Committee of Fifteen

The Committee of Fifteen

Although the founding meeting of the AAUP had adopted the motion to include academic freedom among several issues to be considered in its first year, academic freedom ended up being all-consuming. As the originator of the motion, Seligman had initially hoped that the association would simply take over the investigation of academic freedom from the joint committee. By the middle of March 1915, Seligman, "on further reflection," concluded that the joint committee needed to make a final report together with the AAUP. Princeton psychology professor Howard C. Warren, who had served with Lovejoy as a member of the committee investigating the Mecklin case, had written to Seligman repeatedly after the founding meeting and encouraged him to continue the work of the committee, noting that "there will be considerable inertia in a large and new association which will prevent it from taking up the problem immediately."[1]

What overcame the inertia were developments at the University of Utah, which led to the creation of a committee on academic freedom by the AAUP and an investigative committee to report on the situation in Utah. At the same time that Dewey and Seligman were discussing how to take up the issue of academic freedom, seventeen members of the faculty at the University of Utah resigned in protest over the administration's failure to renew the appointments of four faculty members, two of whom had professorial rank. The case received wide attention in the press.

On March 26, Dewey wrote to Seligman that it would "obviously be a great mistake for the joint committee on academic freedom to break off its work in the middle." He pointed out that "were it not for the Univ of Utah case, it might well be for the general Association to take no action at all this

year, but a great many lines of work appear to be represented in the men affected there." The number of disciplines represented meant that the case could not easily be sent to one or two disciplinary associations to investigate. Early discussions on whether to take up investigations included the consideration of whether a single disciplinary association could be asked to take over the case instead.[2]

With the need to act established, Dewey proposed that the "Council appoint your [Seligman's] committee of nine *in toto* and then add, say, to its number from other lines of academic work." Dewey suggested adding six additional members, and thus the "committee of nine would continue and report to the three associations constituting it while the committee of fifteen would be a committee of the Association of University Professors and report to them." Seligman forwarded Dewey's proposal to the members of the joint committee at the end of March, and by the middle of April, he had received universal agreement. Fetter concurred: "the whole logic of the situation seems to carry us forward to some more satisfactory and final kind of report." Thus the first committee of the AAUP, the Committee on Academic Freedom and Academic Tenure, was born. It was frequently referred to as "the committee of fifteen" to distinguish it from the joint committee of nine, which continued to exist alongside it. Because Croly and Judson were ineligible to serve on the committee of fifteen, they were replaced with professors on the association's academic freedom committee but remained on the committee of nine. It took until September for Dewey to appoint all of the members of the committee of fifteen. Lovejoy initially resisted serving as a member of the committee but was persuaded by Seligman and agreed to serve in July. He went on to serve until 1943.[3]

During 1915, the committee received an overwhelming number of complaints from faculty members requesting investigations. As the committee reported at the end of the year, it chose to investigate five from the eleven brought to its attention. To establish its role as a neutral party, the committee considered it a possible outcome of an investigation to find against the professor; that is, simply taking up the case did not mean that they believed that the faculty member was the victim. Lovejoy, in an interview with Walter Metzger, later indicated that investigations by the AAUP were intended to be "strictly judiciary" and, maintaining the distinction that he held existed between the association and a union, that "a representative should not appear at the college or university as a trade union official might appear, as an advocate on behalf of the victims, or the alleged victims, but should emphasize to all concerned, and should in fact act as if he were a judge, not a prosecutor."[4]

What is perhaps most striking about the committee's investigative activities in its first year is the decidedly political evenhandedness with which it selected cases to investigate: it selected the Fisher case (Wesleyan), which was putatively based on a disagreement over religious matters; three cases from Western state universities (Colorado, Montana, Utah), in one of which it sided against the complaining professor (Colorado); and a Ross-like academic freedom case at a privately endowed institution (Pennsylvania). Three of those eleven (Dartmouth, Oklahoma A&M, Tulane) were sent on to disciplinary organizations, even though reports on Dartmouth and Tulane were prepared by members of the committee but never published. Two cases not further identified by the committee were from Bryn Mawr and Baylor University.[5]

Two complaints involved university presidents, one who was dismissed (at the University of Montana) and one who complained about his governing board (President George Fellows from James Millikin University in Decatur, Illinois). Complaints from university presidents, who were ineligible for AAUP membership, created some difficulties for the committee. At Montana, other faculty had been dismissed as well, but the committee still attempted to involve the National Association of State Universities, which refused. In the case of Millikin, the committee declined to get involved.[6]

The University of Utah

In spite of later recollections to the contrary, Lovejoy did not first learn of the dismissals at Utah from the newspapers while riding on the train to New York. On March 24, Lovejoy wrote to Dewey that a faculty member from Utah had contacted him about the events. Lovejoy suggested that the joint committee should take up the investigation under the auspices of the AAUP. On April 1, 1915, Lovejoy was riding a train from Baltimore to New York when he purchased a copy of the *New York Evening Post*, which contained a report on the events at the University of Utah that stated, in closing, "It is fortunate that the professors have a newly organized national society to which to appeal." The paper's appeal made Lovejoy decide to go to Utah to investigate in person. Although he had previously heard about the case, he wrote to Cattell only a day before he read the appeal: "unluckily this rather unusually grave case has come upon us before the machinery of our committees is in good working order; so that it is not yet certain in whose hands the investigation will be placed, and how soon it will be possible to begin it." After arriving in New York, he met with Dewey and asked him to advance funds to pay for his trip. Dewey agreed and then sought council approval for his action.[7]

Like most universities in 1915, the University of Utah had expanded significantly in the previous decade and a half, including increases in both students and faculty. The president of the university, Joseph T. Kingsbury, had served since 1897 and displayed a marked tendency to bypass the faculty in most decisions. Instead he worked directly with the board of regents, which frequently approved his recommendations as a matter of course. In 1913, the faculty had made an appeal to the regents to establish a direct means of communication between the parties and to discuss the tenure of office at the university in that venue. But the regents refused to take up the faculty's request, and the faculty's concerns remained unaddressed.[8]

At the end of February 1915, Kingsbury recommended that the regents not reappoint four faculty members: two associate professors, Ansel Knowlton and George Wise, and two instructors, Phil Bing and Charles W. Snow. He initially did not give any reasons for his recommendation other than that it was "for the good of the institution." The student newspaper, the *Utah Chronicle*, was strongly opposed to Kingsbury over his curtailment of political events by students on campus, and reported that the dismissals were in response to a movement among the faculty to remove him from the presidency. The faculty met on March 9 and adopted a resolution asking that the dismissed faculty be given a hearing by the regents. At their meeting on March 17, Kingsbury's recommendations were approved, and the four faculty members were not reappointed. They were offered an opportunity to speak but not a full hearing, and so the dismissed faculty members refused. The regents issued a statement that cited reasons provided by Kingsbury as well as an overarching rationale adopted by the regents for their actions, which received the approval of only eight of the twelve regents. For the second time, a request from the faculty to the regents had been ignored.[9]

Only the cases of Knowlton and Wise received attention by the AAUP, as they had rank and therefore an expectation of tenure. In its report the committee noted that "the term 'dismissal' is used in the following, for the sake of brevity, to designate a refusal of reappointment to any member of the Faculty above the grade of instructor." The report simply pointed to what it saw as the prevailing, if unwritten, standard: instructors were on annual appointments—professors, no matter what the law or institutional regulations might say, were not. In addition to the lack of tenure associated with the rank of the two instructors, the reason for their nonreappointment was that their department had been reorganized, not that there were any charges against them. In the case of Knowlton and Wise, the president provided the following reasons for their dismissal: Knowlton was accused of having spoken disrespectfully of the chair of the regents and of having worked against

the administration, and Wise was accused of having spoken in "a depreciatory manner" about the university and its administration. The regents further cited a general principle that had guided their decision to ratify the president's recommendations regarding Knowlton and Wise:

> the members of the board do not know of their own knowledge as to the truth of *all* facts given by the President as reasons why these gentlemen were not renominated. . . . the board knows that there is such a serious breach between the President on the one side and Dr. Knowlton and Professor Wise on the other that one or the other must go. . . . Shall we then part with Dr. Kingsbury, or with Dr. Knowlton and Professor Wise? . . . The value of Dr. Knowlton's and Professor Wise's services is in our opinion not comparable with the value of the service which has been and is being rendered by Dr. Kingsbury. Our judgment, therefore, is that Dr. Kingsbury should be retained and that they should go. . . . when friction is developed to a serious and irreparable point it must be eradicated. Investigations to ascertain whether the superior officer or a subordinate is most to blame do not stop the friction. In such cases the only practicable course is to remove such causes of the friction as are deemed least valuable to the work of the organization.[10]

The charge of speaking disrespectfully particularly rankled the investigative committee, which noted in its report, "the law of *lèse-majesté* can not with advantage, in the Committee's opinion, be applied to university faculties in America." One of the dismissed faculty members, Charles Snow, described the event that led to the charge against Knowlton in his memoirs. Knowlton had attended a reception at which he was introduced to the chair of the regents, who asked which department he was in. When he replied that he was in physics, the regent responded, "Ah yes, doctor. How *is* the Medical School getting on these days?" Knowlton apparently stated to several colleagues, "What do you think of a chairman of the Board who doesn't know the difference between physic and physics?" When his remark was reported to Kingsbury, he informed Knowlton that he would not be retained.[11]

Immediately following the announcement of the regents' decision to endorse the president's recommendation, fourteen faculty members, including the dean of the College of Arts and Sciences, resigned in protest, with another three following later. The faculty who resigned issued a statement citing the dismissals of their colleagues as the primary reason for their resignation and also explained that these dismissals were "the expressions of a general policy of encroachment on our academic rights and duties by certain

interests which are seriously threatening the efficiency of the University." Two days later, the regents instructed the president to immediately accept all resignations.[12]

Lovejoy wrote to the AAUP's council, urging it to take up the case. He pointed to the resignations of the large number of faculty and also the reports that the dismissals were the result of outside interference as reasons to take it up. By the middle of April, Dewey had appointed a subcommittee of the Committee on Academic Freedom and Academic Tenure to investigate the case. Over concerns that the investigation be considered impartial, Columbia education professor Henry Suzzallo was appointed to the committee to satisfy the "conservative" side. He later resigned when he accepted the presidency of the University of Washington.[13]

The outside interests to which the resigned professors referred were generally thought to be the governor of Utah and the Church of Jesus Christ of Latter-Day Saints. The committee considered both of these charges and found that there was only circumstantial evidence that the nonreappointment of Charles Snow was due to pressure by the governor, who had been offended by a speech given by a student at commencement in 1914. Before the student gave the speech, which had advocated greater Progressivism in Utah, Snow had reviewed it. He was apparently faulted for not trying to dissuade the student from speaking. But the report did not find conclusive evidence that this was the reason for Kingsbury's decision. It found that Kingsbury had been exceedingly concerned over future appropriations, which in 1915 made up 90% of the university's income.[14]

Concerns over the influence of the Mormon Church on the dismissal and other actions by Kingsbury could not be substantiated either. Just as in the case of the governor's influence, the committee found evidence that Kingsbury was concerned over the perception of the university by members of the community, including prominent members of the church, but it did not find direct evidence that the main event cited—the demotion of a department chair who was subsequently replaced by an apparently less qualified Mormon faculty member—had occurred at the behest of the church. While recognizing that Kingsbury had "an earnest desire to avoid injury to what he believed to be the interests of the University," the committee found that this desire caused him to display "an apprehensiveness with regard to the effect of certain professional utterances upon influential citizens, or upon the Board of Regents, the State Legislature, or the Governor, and consequently upon the amount of the appropriations received by the University." The committee concluded that the president had failed to recognize what one of

his colleagues had: "the University needs something else more than it needs large appropriations."[15]

Early defenders of academic freedom reacted with consternation whenever professors accepted positions vacated by dismissals in violation of academic freedom, as the practice seemed to vindicate the offending administration. Professors who resigned in protest often cited an inability to remain at the institution and maintain their "self respect." Going further, in an article in the *Atlantic Monthly*, committee member Howard Crosby Warren asked whether it was a breach of professional ethics for professors to "accept a chair from which a colleague has been removed without trial." Thus, when Lovejoy discovered that Kingsbury and Dean James Gibson were traveling to the East Coast to recruit faculty before the report was to be published, he wrote to Dewey, "you will see by the enclosed that the president of the University of Utah is stealing a march on us, in order to fill the vacancies in the faculty before our report is published. As the principal practical effect of the Association's action in the case will consist in making good men disinclined to accept Utah positions in the present circumstances, I am not sure that we should not do well to go farther than we have yet done to forestall the efforts of Dr. Kingsbury and his traveling companion." Consequently, by early June, several members of the investigative committee wrote a letter to the editor of *The Nation* providing a preliminary summary of the findings in the case.[16]

But the question of the "principal effect" of an official investigation was not so simple or uncontested. Lichtenberger objected to an early version of the letter that explicitly advised readers against accepting employment at Utah: "I cannot see how we are justified in going further than to reveal information . . . but refrain from giving anybody advice as to how they should act in the matter of the Utah situation." As a result, the letter was toned down. Discussions of whether findings against an institution in an investigation should lead faculty to refuse to accept employment there continued to be a topic of discussion until the introduction of the association's "censure list" in the 1930s.[17]

The attempt to keep Kingsbury from hiring new faculty was not entirely successful. According to Warren, all but two of the vacancies at Utah were subsequently filled, but in Warren's estimation "the new incumbents [were] not up to the standard of the old except in one or two cases." Among those hired into faculty positions at Utah was Millikin University president George Fellows, who had filed a complaint over his governing board to the committee. Fetter found it "pretty rich" that "while we are investigating one

institution the President of another resigns and submits his case to us and accepts a place in the first offender," adding "that would be from the frying pan into the fire." Lovejoy, however, during a second visit to Utah, found out that at least one department had received withdrawals from applicants after the publication of the report. Furthermore, Dean Gibson informed Lovejoy that he and Kingsbury had experienced "a great deal of difficulty" during their trip east because of the report. Lovejoy concluded, "all this has some importance, because of its potential deterrent effect upon officials inclined to similar sorts of wrongdoing in the future."[18]

The investigation at the University of Utah was the first conducted by the AAUP, and it was furthermore conducted in the absence of established guiding principles of academic freedom and tenure of office. The AAUP's first statement of principles would not be completed until the end of the year. In many places, the report had to assert principles, such as tenure rules, with the goal of convincing the reader that the committee was not going beyond views broadly shared in the academic community. Finding agreement on such views was not an easy matter. Lichtenberger reported on the work of the investigative committee, "we deliberated twelve and one half hours in Professor Seligman's library on Sunday, May 16."[19]

The Utah investigation and other early investigations at times took the form of elaborate substitute dismissal hearings. After the May 16 meeting, Seligman contacted faculty at Utah by mail and asked them to provide sworn affidavits that should indicate whether they had first-hand knowledge verifying the claims against Knowlton. The committee also sent questionnaires to the regents and the president. In addition to their responses, the report cited the responses of a minority of the regents who voted against the dismissal. Conducting a dismissal hearing via mail presented a great deal of difficulty. The most serious problem for the committee was deciding how to handle letters submitted to it or to one of its members that were marked as confidential.[20]

The committee's inability to include two specific letters was particularly problematic because they included exculpatory evidence regarding the charge that Knowlton had been involved in a movement to remove Kingsbury. One letter provided the name of an individual who was apparently the source of the rumor of Knowlton's involvement. Seligman repeatedly contacted that individual but no response can be found in Seligman's correspondence, and so it must be assumed that he did not respond. The committee indicated in the report that it was aware of the name of the informant but was unable to provide it. The second was a letter that Seligman received from Waldemar Van Cott, a highly influential member of the board of re-

gents and local attorney. Van Cott wrote to Seligman that he had repeatedly stated in meetings of the board that there "was not a shred of evidence against Dr. Knowlton to establish either disloyalty or the engagement in any conspiracy." He further noted that "there was affirmative evidence" to the contrary. Seligman asked Van Cott if the letter could be quoted, because "it would definitely put a rest to the one charge about which a great deal of doubt is still expressed by people who are presumed to know something about the subject." Van Cott declined. Lovejoy, who initially assumed that he could quote the letter, was incredulous. Having confirmed Van Cott's unwillingness to be quoted, Lovejoy asked for a second time, because "the committee was unwilling to assume that any man who, after examining the evidence had become convinced that a charge against another man, his official subordinate, was unjustified, would be unwilling to give public expression of his belief." Van Cott maintained his refusal, and the report simply stated that some regents who did not wish to be named considered the charge against Knowlton as unproven.[21]

Holding substitute dismissal hearings would eventually be replaced with the AAUP's insistence on academic due process. An institution's manifest failure to provide the procedural safeguards stipulated by the association would be sufficient for its condemnation without having to organize the hearing that the institution had failed to provide. The report, which found entirely against the president and regents, was printed in July 1915. It was distributed to alumni, university presidents, and newspapers.

Outcomes at the University of Utah

In the course of the investigation, Lovejoy clearly developed contempt for Kingsbury. In preparing the report, Lovejoy noted that the function of the report, in addition to being judiciary, should have to go further: "No dealing with the Utah case will have a satisfactory outcome which does not result in the retirement of President Kingsbury. Merely by his intellectual ineptitude he is manifestly a preposterous person to be at the head of an educational institution; though intellectual ineptitude is not the greatest of his disqualifications."[22]

On January 20, 1916, Kingsbury tendered his resignation, following advice given by individual regents that it was in the best interest of the institution for him to do so. At the end of the year, at the third annual meeting of the association, Seligman reported that he had received a letter from the new president of the university, in which he informed Seligman of the adoption of a new set of rules and regulations. It included a provision on tenure:

"After three years of satisfactory service all members of the University staff are considered permanent, provided their service is still needed and continues satisfactory, and provided also that funds remain available." The letter also included the following provision: "Academic freedom in the pursuit and teaching of knowledge shall be maintained in the University of Utah."[23]

Following the multiple resignations of faculty members, but before Lovejoy's arrival on campus, the regents invited the faculty to institute a regular means of faculty-board communication. The faculty immediately established an administrative council, consisting of administrators and elected faculty, with functions that were described in the new regulations as being "the direct medium of communication between the Faculty and the Regents; its purpose being to maintain a friendly understanding and to secure more completely the rights of Faculty members and Regents." Referring to the committee's investigative reports and its declaration of principles, Seligman stated at the meeting, "we may felicitate ourselves on the fact that the spirit underlying both the special and the general reports is becoming more and more manifest."[24]

Intramural Speech and Institutional Governance

As Walter Metzger has observed, the case at the University of Utah did not involve questions of academic freedom as Lovejoy and the other founders of the AAUP understood the term. Instead, they mostly restricted its definition to classroom and extramural speech in the area of the faculty member's disciplinary expertise, although the committee's first general report on academic freedom adopted a broader definition of academic freedom that included extramural speech outside of the faculty member's disciplinary expertise. It is noteworthy, however, that the charges against Knowlton and Wise arguably involve academic freedom as we understand it today. The claims against them were that they had spoken on matters on institutional governance; thus their speech constituted "intramural speech." Of the four charges leveled against Professors Knowlton and Wise, the committee only considered the claim that Knowlton had been involved in efforts to remove the president as one that deserved to be considered, while the committee dismissed the other charges out of hand.[25]

In contrast to the academic freedom investigations of the Ross and Mecklin cases, a significant focus of the Utah report was the proper role of the faculty in the governance of the institution. The report stressed the right of the individual faculty member to speak on matters of institutional governance, regardless of whether considered explicitly as a constitutive element

of academic freedom, and the importance of faculty-board communication. The emphasis on matters of governance in reports on academic freedom again reflects the focus of the AAUP founders on university reform.

About a month after the publication of the investigative report, John Dewey was invited to give a presentation at the meeting of the Association of American Universities. Dewey wrote a paper that was presented by Columbia University mathematics professor Cassius Jackson Keyser on Dewey's behalf. In addition to Keyser, Lovejoy was in attendance. The meeting of the AAU was the first after the founding of the AAUP, and the invitation of Dewey was clearly intended to recognize the new association. The topic that Dewey chose was how to increase the role of faculty in institutional governance. The choice was not only a clear indication of the main focus that Dewey favored for the association but also of how he wanted the new association to be perceived by the assembled representatives of the most prestigious research universities.[26]

Dewey began by pointing to what he saw as the most fundamental problem in institutional governance, calling it "an undesirable anomaly that fundamental control should be vested in a body of trustees or regents having no immediate connection with the educational conduct of institutions." Rather than eliminating this anomaly, Dewey proposed to recognize a proper division of responsibility, in which trustees are responsible for funds and faculty for educational matters, and because these two areas frequently overlap, he proposed to establish a faculty conference committee that would hold joint meetings with a corresponding committee of the governing board. Echoing the programmatic statements on governance of Cattell and Lovejoy, Dewey proposed that the faculty have "final control" of educational matters. Perhaps over diplomatic considerations, given his audience, Dewey did not address the issue of presidential selection, which both Cattell and Lovejoy had addressed. Because the transition to faculty control of educational matters was perhaps a "remote ideal" in many institutions, Dewey suggested the establishment of a faculty-board communication as a first step. The essential elements of faculty-board communication should be

> that the faculty conference committee should be elected; that joint meetings should have an official and not merely a personal status; that all new measures under consideration by the governing board should be made known to the committee and discussed by its members before adoption; that no legislation of faculties should be vetoed or altered without thorough discussion by the joint committee. In all important matters, the committee should report matters to the faculty by which it is elected, and receive

instructions from it. The faculty should also have power, of course, to refer questions to the trustees through the medium of the joint committee.[27]

Dewey discussed at length how the relationship between the president and the faculty could be improved by giving more authority to faculty in matters of appointment, promotion, and particularly dismissals, so as to increase the security of tenure. During a discussion of Dewey's presentation, Lovejoy addressed Dewey's proposals regarding security of tenure. Noting that he saw the security of tenure and the provision of judicial trials in cases of dismissal as among the most important issues in US higher education to be addressed within the next decade, he rebuked concerns, at times expressed by presidents or trustees, that faculty lack "the sense of responsibility" and "the capacity for severity" to handle dismissals. Lovejoy stated that "it is certain that [faculty] never will adequately acquire them except through use—through being given responsibility to exercise them." At the same time that Lovejoy was speaking, the Committee on Academic Freedom and Academic Tenure was considering whether to take on the most prominent dismissal case that occurred that year.[28]

Scott Nearing and the University of Pennsylvania

On June 17, 1915, University of Pennsylvania economics professor Scott Nearing sent a mimeographed letter to Edward Ross that consisted of a copy of his dismissal notice from Provost Edgar Smith and a copy of a letter asking recipients to contact the provost or members of the board of trustees to protest the dismissal. In the corner of the letter, Nearing wrote: "If you hear of anything for next year, let me know. This came out of a clear sky." The lateness of the notice, making it impossible for Nearing to find another position for the coming academic year, added to the general sense that the trustees were committing an injustice to Nearing.[29]

Nearing later said that the dismissal was a shock "but not a complete surprise." Pressure had been exerted on Nearing and other Progressive faculty members in the university's Wharton School for a number of years. The joint committee of nine had been formed, according to the president of the American Sociological Society, in part because of the situation at Pennsylvania, and Weatherly, its representative on the joint committee, noted that "the Pennsylvania situation has been notorious for a generation." The Wharton School had been founded in 1881 with funds provided by Joseph Wharton, an industrialist. The idea that with his donation Wharton could dictate what was to be taught at the school dated back to its founding: Wharton in-

formed the trustees in 1881 that the teaching of free trade would be sufficient for the forfeiture of the donated funds. Although this specific stipulation did not come to be directly enforced, it was indicative of the attitude taken by donors at the time and also informed the attitude of the trustees.[30]

Nearing obtained his PhD at the Wharton School under the direction of economist Simon Nelson Patten in 1908, after having been appointed to a teaching position in 1906 in the department under Patten's chairmanship. Patten had built a department that included many young Progressive faculty members. Nearing regularly taught the introductory economics course required of all freshmen at the Wharton School. He was widely considered an effective teacher and regularly brought his convictions about problems associated with the predominant social order into his classroom. Nearing was also actively involved in addressing these problems outside of the university, and he remarked later that he "saw no real distinction between on-campus and off-campus" activities. His main focus was the abolition of child labor, putting him in direct conflict with the financial interests of the state, which were increasingly represented on the university's board of trustees. Nearing served on the Pennsylvania Child Labor Committee and regularly expressed his opposition to child labor. But Nearing also spoke publicly on a number of other controversial issues, attracting public attention and the ire of Philadelphia's business leaders.[31]

A constant source of attack on the faculty at the Wharton School was the alumni association, which published editorials in its magazine strongly opposing the "bizarre and radical theories often advanced by enthusiastic young instructors [that] are likely to have a poor effect upon the Freshman"—that is, those taught by Nearing. The editorial continued, "educational institutions are not simply to train young minds to think, but to think rightly." Another editorial, published one month before Nearing's dismissal, stated:

> The question of so-called academic freedom, which is puzzling the authorities of all the universities and colleges, is claiming a large share of the thought and attention of the Board. Shall the University maintain, in any of the fields of thought, any standard or standards controlling the nature of instruction given to the students, or shall the members of the teaching force be free, without any other restrictions than those imposed by their individual judgments, and the provisions of the libel laws, to speak, teach and publish what they wish? . . . The responsibility . . . cannot by any means be evaded or shifted to the faculty or elsewhere; it is indissolubly joined to the power of the purse. . . . The question of who shall and who shall not be invited or

permitted to lecture or speak at the University is one on which there is much to say on all sides. The Trustees are responsible for whatever policy or lack of policy is maintained.[32]

Nearing and other Progressive faculty members were repeatedly passed over by the board for promotion in spite of faculty recommendations. But in 1914 the board promoted Nearing from the rank of instructor to assistant professor. With the notice of his promotion he received a copy of the relevant institutional regulations informing him that the appointment was for the regular term of one year. If, as Nearing biographer John Saltmarsh has suggested, the promotion was intended as a strategy of the trustees to affiliate him more closely with the institution and thereby appeal to his sense of professional responsibility (at least as they conceived of it) to curtail his public utterances, while holding the threat of a one-year appointment over him, that strategy failed. Nearing engaged in a public row with a conservative evangelist that year, and rumors spread that the university's state appropriation might be held up unless he was dismissed. But the strategy failed in another significant way: with the promotion, Nearing held professorial rank and so had protections of tenure as understood by founders of the AAUP. Had the trustees kept him at the rank of instructor and then dismissed him, the AAUP would most likely not have intervened on his behalf.[33]

The trustees steadfastly refused to give a reason for Nearing's dismissal. A member of the board famously responded to an inquiry: "If I was dissatisfied with my secretary or anything he had done, some people might be in favor of calling him in here and sit down and talk it over. Others might think it wiser to dismiss him without assigning any cause. It all depends on the circumstances whether or not it would be wiser to state any cause, but in any case I suppose I would be within my rights in terminating his employment." The thrust of the comparison certainly did not escape the founders of the AAUP, nor did it escape Nearing's colleagues, who, like Seligman, recognized the impact of such a dismissal. As one of them stated, "the moment Nearing went, any 'conservative' statement became but the spoken word of a kept professor."[34]

Upon learning of his dismissal, Nearing immediately mailed a mimeographed summary of his case to "the leading papers of the country, the press associations, associates in other universities, and to influential individuals all over the United States"—about 1,500 in all, one of which was sent to Ross. The dismissal was featured extensively in the press, and Croly resigned from the joint committee of nine so as to be able to write about the case in the *New Republic*. The *New Republic* went on to be one of the

strongest defenders of academic freedom, which was perhaps a result of Croly's service on the joint committee. It observed that the alumni spoke "in a manner worthy of the stone age," adding that the relationship between trustees and the financial interests in Philadelphia "produce the picture of a University in which the governing power is in the hands of a close corporation of men financially interested in the perpetuation of certain economic doctrines, who have the power of appointment, promotion and dismissal over teachers of economics without trial, without hearing, and without public notice." As a result of Nearing's campaign, both Dewey and Seligman received inquiries from faculty members and the press about whether the association would intervene.[35]

In addition to Croly, Lichtenberger, who was at the University of Pennsylvania, resigned so as to avoid the apparent conflict of interest. Ross replaced Lichtenberger with Franklin Giddings, a sociologist at Columbia University, and Croly was replaced with Yale economist Henry Farnam, who had served with Seligman on the investigative committee in the Ross case. Urging him to agree to join the committee, Ross wrote to Giddings, "the treatment of Nearing seems to present a remarkable opportunity for the guiding of public opinion in the direction of greater protection for academic teachers."[36]

But most of the members of the committee of fifteen did not share Ross's enthusiasm. Lovejoy wrote to Seligman, "I open my mail with dread, these days, lest I find a letter asking us to do something about the Scott Nearing case." He further noted to Ely, "my impression is that if the Pennsylvania trustees wish to state their reasons for dropping Nearing, they can present a fairly effective case. It seems clear that he has been singularly destitute of courtesy, tact, and ordinary common sense in the manner and occasion of his utterances, on other questions as well as upon economic and sociological matters."[37]

Seligman and Fetter, both fellow economists, expressed significant doubt over the quality of Nearing's scholarship and over the appropriateness of his extramural utterances. As Furner has argued, both kinds of concerns were central in the decision of economists not to take up the case of Edward Bemis. Harvard economics professor Benjamin Anderson, who was less concerned about Nearing's extramural utterances, wrote to Seligman, "it seems perfectly clear that Nearing's radicalism—which is not really very bad!—rather than his unscientific methods (which are, in my opinion, very bad!) is the cause of his dismissal," to which Seligman expressed agreement. Andrews suggested that the committee assess the quality of Nearing's scholarship in the investigation even though the trustee had not expressed concern

over it and evidently could not, as they had promoted him. The suggestion that the committee investigate a possible reason for a faculty member's dismissal, even though it was not and could not be raised by the board, exceeded even the standard set by the substitute dismissal hearings conducted in the case of the University of Utah, and was not taken up by the committee. Fetter went further in his negative estimation of Nearing's scholarship. Declining to serve on the investigative committee in the case, he explained that he had used Nearing's work "as awful examples to dissect in my graduate classes." Regarding Nearing more generally, Fetter remarked that his "type of personality is a very unfortunate kind on which to base our test cases for academic freedom." Seligman forwarded Fetter's letter to Lovejoy, indicating agreement, and wrote in another letter, "I only wish Nearing was a bigger kind of man."[38]

At first, the committee chose to wait, although even those members of the committee who disapproved of Nearing made it clear that they thought the committee would have to take up the case eventually. Lovejoy had tempered his disapproval of Nearing by noting that the committee could not permit the trustees to maintain the attitude that "the whole affair is nobody's business but their own." But Lovejoy in particular wanted to know what the attitude of the local faculty was and stressed the importance of the faculty formulating it in a public resolution. The faculty reportedly collected money among themselves to provide Nearing with a replacement for his salary, as he was unable to find immediate employment. The timing of the decision at the end of the semester had also made it difficult for the faculty to organize a collective response. Patten in particular urged colleagues not to resign, and Nearing similarly urged his closest students not to leave. Patten's hope that "a positive fight" in response could improve the situation at the university was met with mixed results: the trustees did eventually adopt improved regulations, but they retired Patten at their first opportunity rather than extending his appointment when he reached the age of 65 in 1917.[39]

Seligman decided to appoint an investigative committee after a meeting with Wharton dean Roswell McCrea, who had been a constant supporter of Nearing. When the trustees finally issued an explanation for Nearing's dismissal in October, stating that he had been "constantly misunderstood by the public and by many parents of students," Lovejoy called the board "almost comic in its ineptitude," adding, "if this be ground for dismissal few of us, I fear, are safe!"[40]

In addition to Farnam, Giddings, Pound, and Lovejoy (who chaired the committee), Seligman appointed MIT economics professor Davis Dewey, John Dewey's brother, to the investigative committee. The report of the com-

mittee turned on the following two main points: that Nearing held professorial rank with an expectation of reappointment, and that the faculty, his chair, and his dean had recommended Nearing for reappointment. Although the report spent some time establishing evidence that the reason for the trustees' decision was in violation of Nearing's academic freedom, the report's primary arguments were provided to establish definite rules of tenure and the proper role of the faculty in matters of institutional governance. Lovejoy sidestepped the committee's apparent disapproval of Nearing by stating simply that, because the faculty had rendered a judgment on these matters, the committee was absolved of "the necessity of inquiring on its own account as to the professional qualifications of Dr. Nearing and the character of his work in the University of Pennsylvania." On the basis of this observation, Lovejoy drew the committee's main conclusion: Nearing had been explicitly recommended for reappointment, and thus "summary action in such cases, and in circumstances such as attended the action of the Pennsylvania trustees, is not directed solely or most significantly, against the individual teacher affected; it is directed also against the local faculty as a body, and against the academic profession at large. For it is an instance of lay intervention in what is essentially a professional question."[41]

In a preliminary draft, Lovejoy presented an even stronger statement, but it was later removed so as "to meet the wishes of the more conservative-minded members of the committee." Lovejoy had initially written that "the trustees of the University of Pennsylvania appear not only to have rejected the recommendation, but . . . to have shown neither a reasonable respect for the judgment of the educational staff, nor a suitable courtesy towards its representatives. But such a hasty and informal over-riding of the carefully considered and strongly held professional judgment upon a matter of this kind, seems to your committee to constitute of itself—and apart from all other considerations—an infringement of academic freedom." Although academic freedom violations were then and are now primarily conceptualized as adverse personnel decisions, such as dismissals, the claim that overruling the professional judgment of the faculty constituted a violation of their collective academic freedom was apparently intended to tie academic freedom and governance closer together. It was clearly both novel and ahead of its time.[42]

The report also addressed changes that the board had adopted in their rules of tenure and reappointment and discussed at length how these rules would have affected Nearing had they been in place before his dismissal. In essence, assistant professors would be appointed to three-year terms, with subsequent reappointments to five-year terms, while full professors would

have a presumption of permanence. Dismissals and refusals of reappointment would require a conference with a committee of the faculty, after which the board would make the final decision. Finally, a full year of notice would be provided before a nonreappointment. With respect to the recognition that nonreappointments of assistant professors be given the same consideration as dismissals, Lovejoy's preliminary draft provided the following comment: "The adoption of this provision by the Pennsylvania Board of Trustees can scarcely be regarded otherwise than as an acknowledgment of the impropriety of the time and manner of the action taken by them in the case of Mr. Nearing, and as a pledge that similar summary dismissals will not occur in the future." Yet this sentiment was again toned down in the final report: "The committee feels justified in regarding the adoption of this rule as implying a recognition of the unsuitability of the procedure followed in the case of Dr. Nearing."[43]

The report further identified several differences between the adopted rules and those that were contained in the committee's general report, which by the time of the publication of the Nearing report had already been approved and published. Davis Dewey elected to withhold his approval to the recommendation that the trustees adopt specific regulations, a fact that was recorded in the final report.

Interlude: Scott Nearing and Edwin Seligman Debate Academic Freedom

In New York in March 1917, Nearing, Seligman, Willard Fisher, and Yale economics professor Thomas Adams held a public debate titled "Have Our Universities Academic Freedom?" Nearing and Fisher, both having been cases reported on by the AAUP, spoke in the negative, while Seligman and Adams spoke affirmatively. At the time, Nearing was serving as dean of the College of Arts and Sciences at the University of Toledo, where he had been hired the year before. Although transcripts of other public debates in which Seligman and Nearing participated have been published, only newspaper reports of this event survive.[44]

Nearing appears to have received the most attention in the press, in particular because of a comparison that was quoted in one newspaper: "I know scores of University professors who teach what they do not believe, and I want to say that the man who teaches something that he doesn't believe is prostituting his intellect." This statement clearly affected Seligman, as it related to the charge that faculty at Eastern universities who did not challenge the status quo were acting out of fear, and also because the comparison with

prostitutes offended his sense of professorial propriety. Seligman was quoted in the paper as responding, "I want to publicly state that I will have nothing to do with any man who would start arraigning his colleagues as Prof. Nearing has arraigned them. And, furthermore, any professor who makes such a statement has no right to demand recognition in any university in this country." Seligman's sense of professorial propriety would again be aroused in a clash with Cattell later that year.[45]

Seligman nevertheless debated Nearing again a few years later, this time on socialism. During this debate, Seligman defended the Progressive reform of capitalism in preference to adopting socialism, to which Nearing replied, "Professor Seligman says that capitalism is progressive. So are some diseases."[46]

James Brewster and the University of Colorado

When Seligman informed Pound that he had received a note from Professor James Brewster at the University of Colorado, who claimed to have been dismissed, Seligman wrote, "it never rains but it pours." In addition to the cases at Utah and Pennsylvania, the committee had agreed to investigate the case at the University of Montana and to report on the Fisher case. Although the Nearing committee was to be appointed later, Brewster's case was the last one the committee agreed to take on, and it was the only one in which it found in favor of the administration rather than simply declining to consider the case. Brewster had been hired in the law school to replace a faculty member who had died. He immediately aroused the opposition of the governor because he had testified before the Commission on Industrial Relations. The commission had been established in 1912 following several instances of violence surrounding labor strikes and was requested by President William Howard Taft to help prevent the catastrophe of "industrial war." In June 1915, Brewster publicly accused the university of not reappointing him because of his testimony. Besides Brewster, Nearing had testified before the commission, and University of Wisconsin economist John Commons, who was a member of the commission and a charter member of the AAUP, wrote to Dewey to request that both cases be investigated.[47]

It quickly became clear, however, that Brewster had been appointed with the title of "acting professor" and that he had been told early in his appointment, although not before, that its term was one year. Furthermore, there was clear evidence that University of Colorado president Livingston Farrand had rebuked the governor's attempt to interfere with

Brewster's appointment. In the end, the case revolved around different recollections between Farrand and Brewster regarding a subsequent invitation to testify before the commission. Lovejoy informed Brewster that he thought the case was weak and that the committee would likely not be able to adjudicate the differing recollections. Farrand repeatedly requested that the committee conduct an investigation because Brewster had made public statements against the university.[48]

The committee concluded that it should publish an investigative report. The association was clearly interested in establishing widely accepted rules regarding the security of tenure, in which, as Fetter pointed out, "a distinction must be made between temporary appointments and regular professorships." In response to a note from Seligman to the committee, in which he stated "it seems wise to uphold a president once in a while," University of Minnesota history professor Guy Stanton Ford advocated that the source of the complaint should never matter, adding

> we cannot afford to make the Association simply a recipient of complaints of people dropped for all kinds of reasons, and thus inferentially become the defender of inefficiency in the academic ranks. . . . if our business is devoted solely to the investigation of complaints made by instructors . . . one of two things will happen: first, we shall be distinctly rated as having taken the same attitude as a Labor Union in such matters, or second, if we are trusted we shall have a duty we cannot well avoid, and that is the passing upon these cases before the university acts.[49]

Again, the specter of unionism was invoked to try to direct the academic freedom activities of the association. But the second case provided a rather strange alternative: Ford was suggesting that the AAUP would be called upon to conduct dismissal hearings unless it agreed to take on complaints from presidents. Ford apparently ignored the third option of providing procedures endorsed by the AAUP that could be used to conduct dismissal hearings on individual campuses.

The report published by the committee exonerated the administration and only faulted it for the late notice to Brewster.

The investigations of the cases at Utah, Pennsylvania, and Colorado required significant work by the committee as a whole, but particularly by Lovejoy, who served as the primary investigator in all three cases and at the University of Montana. Lovejoy noted repeatedly that the work was wearing on him, and he made it clear that he would not serve the rest of his three-year term as secretary after the first year. He recognized the impact of

this work, however, writing to Seligman, "this year is an important and critical one, and much depends upon the precedents now set and the principles now established—and especially upon the general report of your committee, which should be a memorable document in the history of our universities."[50]

The number of cases brought to the attention of the committee of fifteen was a surprise to its members. It raised a number of questions over the future activities of the association, as it was being viewed as having been founded for the sole purpose of addressing such cases, which it manifestly had not been. It further raised questions over the state of academic freedom, particularly principles of academic freedom and investigative procedures. The committee concentrated first on the former.

The 1915 *Declaration of Principles on Academic Freedom and Academic Tenure*

The Genesis of the Report

The committee of fifteen not only oversaw a total of five investigations in its first year of existence, it also produced what came to be known as the 1915 *Declaration of Principles on Academic Freedom and Academic Tenure*. The 1915 *Declaration* was originally presented to the second annual meeting as the "General Report of the Committee on Academic Freedom and Academic Tenure" and appears to have received its current title in 1943. The committee used the term "general" to distinguish it from academic freedom in the social sciences, which had been the subject matter of the joint committee of nine. Widely considered the central foundational document of the American conception of academic freedom, the report was based on the preliminary report of the joint committee and on the experience the AAUP's committee had gained through its investigative work. The general report adopted a number of conclusions of the preliminary report and also contained answers to many of the questions posed there. It continues to stand as the crowning achievement of the AAUP's first year.[1]

In August 1915, Seligman circulated a memorandum together with a letter by committee member Guy Stanton Ford suggesting how to begin to formulate a general report. Reflecting the predominant methodology in educational research at the time, Ford had suggested using a survey to determine the range of practices regarding appointment, tenure, and dismissal in order to distill from the results "adequate and fair institutional practice." Lovejoy, in his response to Seligman, objected to such an approach because "little had been done anywhere towards regularizing this matter." Only after principles had been formulated should current practice be surveyed, which Lovejoy admitted was the opposite of how he would approach most other

topics. Lovejoy's approach was not only normative rather than descriptive, but also indicated a code of academic freedom and tenure sufficiently specific to preclude wide variations in institutional practices. Throughout its history, the AAUP has maintained that same approach: the association's principles of academic freedom and tenure are highly specific, and it expects individual institutions to adhere to these principles with little variation. The AAUP's principles of institutional governance are much more general and conceptual, however, and allow wider variations in practice among institutions. It is perhaps not surprising, therefore, that the AAUP's first several formulations of principles of institutional governance were based on surveys.[2]

Using the same approach employed in formulating the preliminary report, Seligman suggested to the committee that each member submit a draft report, on the basis of which he would write a prefinal draft to be discussed at a meeting. In late November, Seligman circulated that draft for the committee meeting over the Thanksgiving holiday in New York, after which a subcommittee consisting of Seligman, Fetter, and Lovejoy finalized it. Seligman presented the final report to the second annual meeting, where it was approved only after extended debate and extensive parliamentary wrangling. Following its approval, it was printed in the first issue of the *Bulletin*.[3]

The Structure and Content of the Report

Following an introduction, which briefly recounts the history and investigative activities of the committee, the report is divided into two parts: the "General Declaration of Principles" and a set of "Practical Proposals." The central argument of the report regards the relationship between trustees and faculty: with the goal of establishing the professional status of professors, the legal status of professors as employees of the trustees is disclaimed. The report presents a basic theory of institutional governance, in which faculty have an "independent place, with quite equal responsibilities" to the trustees. It further contends that, because of their professional status and expertise, the faculty hold, "in relation to purely scientific and educational questions, the primary responsibility." Of course, given the realities of the balance of power, the report actually proposes to allocate more authority to the faculty than what they had by both law and custom.[4]

Although the report's primary contribution is a theory of academic freedom, it also advances a theory of institutional governance that differs from the views subsequently adopted by the AAUP. Reflecting Lovejoy's programmatic

statement from 1914, the report stipulates that in some areas the faculty, and in others the trustees, should decide alone. This distinction is made most directly in the report's discussion of grounds for dismissal. Although governing boards can alone judge "habitual neglect of assigned duties" and "charges of grave moral delinquency," the report stresses that it is "inadmissible that the power of determining when departures from the requirements of the scientific spirit and method have occurred, should be vested in bodies not composed of members of the academic profession." Because the former cases do not involve the professional expertise of faculty, trustees may adjudicate them, but in the latter cases, only faculty may.[5]

The committee further fleshed out its theory of governance in the "Practical Proposals." Although the proposals' details are mostly of historical interest now, their importance is based on their role in the overall argument of the report: they recognize that the principles of academic freedom, enumerated in the general declaration, must be safeguarded through explicit rules of tenure, which must in turn be secured through the proper allocation of authority in institutional decision making. They set out by providing a rationale for rules of tenure: their purpose is to ensure academic freedom, to protect universities against false charges of interference with academic freedom, and to make the profession more attractive, which, although not stated directly, can be interpreted as an early argument that tenure is required to provide for the economic security of faculty.[6]

Seligman based these proposals entirely on handwritten notes by Lovejoy. Lovejoy proposed the establishment of a governance body that he referred to as a "senate." Justifying the chosen name, Lovejoy described its function as giving "advice and consent" regarding "appointments, promotions, reappointments, and refusals to reappoint." He further stipulated that it be elected by the faculty and that larger institutions should have separate bodies of this kind in separate educational units. The final report did not commit itself to this level of detail and instead recommended simply that a representative body of the faculty give advice and consent on "reappointments and refusals of reappointment." Although the mode of governance presented here differs from the one in which faculty and trustees play separate roles, from the point of view of Lovejoy's position, the difference results from the omission of details from his position rather than from a change of his position. Lovejoy had previously stated that the president should be elected by the faculty and that personnel decisions should be taken jointly by the president and an elected council. In his notes for this section, he similarly recommended that the senate give advice to the president in personnel matters. Yet, in the final report, the advice of the faculty committee was

simply to occur prior to "official action," leaving it open for the trustees to make the final decision. The omissions, which occurred after discussion by the committee, caused a weakening of Lovejoy's position in the final report. That weakening would continue to be reflected in the AAUP's subsequent reports on governance.[7]

Similarly, comparing the draft prepared by Seligman prior to the committee meeting to the final report, two of Lovejoy's practical proposals—conditions of tenure and grounds for dismissal—were also changed. Lovejoy identified the establishment of grounds for dismissal as essential to guard against violations of academic freedom. But the final report did not enumerate a list of grounds of dismissal, although several such grounds are mentioned throughout the report. The AAUP's Committee on Academic Freedom and Academic Tenure would plan to formulate such grounds in 1916, but the committee did not and has never formulated them since. The report instead found that individual institutions should formulate grounds for dismissal. Seligman's draft, based on Lovejoy's notes, provided a first—admittedly incomplete—list of acceptable grounds for dismissal, which included "such offenses as serious and habitual discourtesy to officials, colleagues, or students; misrepresentation of the authorship of scientific discoveries or hypotheses; clear evidence of intention to hamper the independence or the progress of colleagues or subordinates." The first two originated with Lovejoy, who had instead listed as the third item "gross carelessness or inaccuracy in scientific inquiries." The inclusion of "discourtesy" among grounds for dismissal gives a sense of the expectation of professorial propriety, characteristic of the times, but the omission of the entire list strengthened the argument that institutions should develop their own grounds for dismissal.

The final report also recommended that institutions formulate a clear definition of tenure in office, with the provisions that appointments to all full and associate professorships be permanent, and that appointments to any position above the rank of instructor be permanent after ten years of service. Neither Lovejoy nor Seligman had proposed a minimum length of service for permanence of any rank, although it is noteworthy that the committee chose to set that length at ten years, which corresponded to the minimum length of service needed to be eligible for AAUP membership at the time. The only provision for instructors in the final report was that they should receive at least three months' notice of nonreappointment.[8]

The recognition that some state institutions may be legally incapable of offering indefinite appointments was addressed by Lovejoy, who noted that in those cases the governing board's obligation to provide indefinite

appointments should be considered to carry moral rather than legal force. A more general observation, submitted by Howard Crosby Warren, about the relationship between academic freedom and the legal employment status of professors, was not included in the final report. Warren proposed language for the final report: "The Association is only incidentally concerned with the legal aspects of [dismissal] cases. If the law has been infringed the individual has recourse to the courts. What primarily concerns us is to ascertain the kinds of motives that make for dismissal and the procedure in specific cases, in order that professors may know . . . how far the conditions at their institution militate against unbiased inquiry after the truth and free teaching of the truth as they see it." The association's concern was therefore with academic rather than legal questions.[9]

Instead of including Warren's observation, the report offered the following famous declaration about "the nature of the relationship between university trustees and members of university faculties": "The latter are the appointees, but not in any proper sense the employees, of the former. For, once appointed, the scholar has professional functions to perform in which the appointing authorities have neither competency nor moral right to intervene. The responsibility of the university teacher is primarily to the public itself, and to the judgment of his own profession." This section summarizes better than perhaps any other the primary goal of the founders of the AAUP: although employees of the trustees under the law, professors were to be professionals in the model of lawyers and physicians. To strengthen the argument for the relationship between faculty and trustees, the report went on to offer the following comparison:

> So far as the university teacher's independence of thought and utterance is concerned—though not in other regards—the relationship of professor to trustees may be compared to that between judges of the federal courts and the executive who appoints them. University teachers should be understood to be, with respect to the conclusions reached and expressed by them, no more subject to the control of the trustees, than are judges subject to the control of the president, with respect to their decisions; while of course, for the same reason, trustees are no more to be held responsible for, or to be presumed to agree with, the opinions or utterances of professors, than the president can be assumed to approve of all the legal reasonings of the courts.[10]

Although it was apparently Harvard law dean Roscoe Pound who formulated the comparison of faculty with federal judges, it was based on an analogy provided by Northwestern University law dean John Wigmore,

who was to serve as second president of the AAUP. Wigmore submitted a paper to the committee in which he argued that academic freedom is akin to judicial immunity. The latter, in Wigmore's words, provides that a judge "is not liable to civil action, on any ground whatever, for a wrong done by him while acting on matters within his jurisdiction and as a judge." Wigmore compared this immunity to a professor's immunity from dismissal, which he termed "academic immunity." On the positive side, Wigmore argued that "the object of academic immunity is the protection of the competent thinker in that unhampered research and discussion which alone leads to the discovery of scientific truth. But the protection cannot be limited to the competent thinker. It must extend to all academic scholars, including the incompetent, the extremists, the radicals, the temperamentally biased, and the tactless." On the other hand, Wigmore derived limits from the analogy, namely, that "the scholar should be protected only so long as he keeps within his own jurisdiction. Just as the judicial immunity protects a probate judge in probate matters only, a chancery judge in chancery matters only, and a criminal judge in those criminal cases only which by law are allotted to him, so the scholar must not expect protection if he goes outside of the field to which he is appointed." Wigmore proposed a conception of academic freedom that, although repeatedly offered in the history of academic freedom, disagreed sharply with the one ultimately formulated by the AAUP.[11]

Lovejoy strongly disagreed with Wigmore's proposal, which he indicated to the committee. In a separate note to Seligman, Lovejoy expressed severe disappointment over Wigmore's argument, noting that reading the paper made him question Wigmore's suitability for the AAUP presidency. Lovejoy objected to Wigmore's analogy on two grounds. First, he believed that giving complete immunity to professors in their disciplines would not permit the profession to uphold its standards. Thus giving immunity went too far because it meant shielding "the incompetent." On the other hand, because immunity was only to be extended to speech in a professor's discipline, it did not go far enough to defend extramural speech. The committee did not include Wigmore's analysis in its report, but Seligman specifically asked Lovejoy to include Pound's analogy, which was based on Wigmore's. The cautionary note that the comparison did not extend to "other regards" was clearly meant to keep the application of the argument from being extended to the analogy offered by Wigmore. Lovejoy and Wigmore subsequently debated their disagreement in *The Nation*.[12]

Even though the committee disagreed with Wigmore's limitation of extramural speech, not even Seligman's prefinal draft provided a definition of

academic freedom that included full freedom of extramural utterance. Seligman wished to address academic freedom "primarily from the point of view of freedom of speech within the University and then add such qualifications or considerations as seem suitable from the point of view of extramural activities." The final report instead stated that "academic freedom . . . comprises three elements: freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extramural utterance and action."[13]

The committee established some limits to extramural utterance while clearly opposing Wigmore's view, however: the final report found that "in their extra-mural utterances, it is obvious that academic teachers are under a peculiar obligation to avoid hasty or unverified or exaggerated statements, and to refrain from intemperate or sensational modes of expression. But, subject to these restraints, it is not, in this committee's opinion, desirable that scholars should be debarred from giving expression to their judgments upon controversial questions, or that their freedom of speech, outside the university, should be limited to questions falling within their own specialties." Seligman's draft, which had not recognized extramural utterance as a separate component of academic freedom, had instead offered a more limited protection of extramural speech: "if the academic teacher is engaged in any discussion where public opinion is sharply divided or hostile, it is surely incumbent on him tenuously to refrain from extreme or intemperate statements." There is an internal inconsistency in Seligman's formulation: although the draft claims that the limits of extramural speech are "not so much with the statement of any particular opinions as with the method of its expression," it explicitly limits professors from taking "extreme" positions on certain subjects, which is obviously unrelated to the mere method of their expression. Fortunately, the final report removed this inconsistency. It retained a conception of freedom of extramural utterances that still limited the mode of expression, a limitation that subsequent AAUP statements reinterpreted primarily as hortatory rather than as a strict code of professorial conduct. On the other hand, while Seligman's draft did not object to professors running for public office, the final report simply did not address this issue.[14]

While the preliminary report of the joint committee of nine specifically recognized the differences that existed between academic freedom violations in state universities and endowed institutions, it had only pointed toward an attempt to unify the two under one conceptual framework. Participants in the debate over academic freedom found it vexing to find one conceptual framework for both kinds of institutions. For instance, Edward Bemis had

written in 1900 that he did not think that it was possible: "I hold that it is more important for a state university to encourage liberal teaching in economic and social lines than it is for a private college, because the latter is sustained by only one class in the community—wealthy donors—and the trustees, therefore, almost unconsciously are likely to adopt a class attitude while a state university should represent the whole people." And Edward Ross, with a pragmatism that bordered on cynicism, claimed that "the existence of the endowed university and the state university side by side is a good thing for academic freedom. In both there are dangers to the scholar's independence, but they are not the same dangers; so that the scholar evicted from one may find refuge with the other."[15]

The final report stated that the "nature of the trust reposed in the governing boards of the ordinary institutions of learning" was a public trust and provided an argument for the public nature of that trust that significantly enhanced the mere observation in the preliminary report of the joint committee. The argument was taken almost verbatim from the draft report submitted by Franklin Giddings and proceeded as follows:

> The trustees are trustees for the public. In the case of our state universities this is self-evident. In the case of most of our privately endowed institutions, the situation is really not different. They cannot be permitted to assume the proprietary attitude and privilege, if they are appealing to the general public for support. Trustees of such universities or colleges have no moral right to bind the reason or the conscience of any professor. All claim to such right is waived by the appeal to the general public for contributions and for moral support in the maintenance, not of a propaganda, but of a non-partisan institution of learning. It follows that any university which lays restrictions upon the intellectual freedom of its professors proclaims itself a proprietary institution, and should be so described whenever it makes a general appeal for funds; and the public should be advised that the institution has no claim whatever to general support or regard.[16]

The suspicion that professors who hold conservative views may do so out of fear of reprisal by institutional authorities—the previously discussed "academic asphyxiation"—was directly addressed in the report. Seligman had remarked upon it in several settings, and the report presented an argument that safeguarding academic freedom in turn allays such suspicions in somewhat more altruistic terms: "But it is highly needful, in the interest of society at large, that what purport to be the conclusions of men trained for, and dedicated to, the quest for truth, shall in fact be the conclusions of such men, and not echoes of the opinions of the lay public, or of the individuals

who endow or manage universities." The report similarly argues that a professor's function as a teacher would be impaired if the students had reason for suspicions over the true beliefs of faculty.[17]

Although the report continues to be viewed as a major step forward in the development of academic freedom, not every principle it asserted has survived subsequent scrutiny. The report called for certain restrictions on classroom speech, in the context of "immature students," for instance, which it clarified to mean those "in the first two years of the course." Ely had repeatedly insisted on distinguishing academic freedom as it applies in universities from its application in the context of teaching freshmen and sophomores, noting, "I know also fathers who do not want all known truth taught to their young daughters." Seligman mocked Ely to Lovejoy as being "very much worked up" about the issue and, while the report included such a restriction, it also lessened its impact by further stating that "it need scarcely be said that the committee does not intend to imply that it is not the duty of an academic instructor to give to any students old enough to be in college a genuine intellectual awakening and to arouse in them a keen desire to reach personally verified conclusions upon all questions of general concernment to mankind, or of special significance for their own time."[18]

The report also attempted to solve the problem of press reports of professors' classroom speech, which had at times caused dismissals. It observed that "discussions in the classroom ought not to be supposed to be utterances for the public at large. They are often designed to provoke opposition or arouse debate." Based on a detailed legal analysis by Pound, the committee asserted, "as a matter of common law, it is clear that the utterances of an academic instructor are privileged, and may not be published, in whole or part, without his authorization." But while there may be intellectual property considerations when it comes to publishing a professor's lecture in whole, the AAUP has not subsequently maintained that no part of such a lecture could be quoted in the press.[19]

Nevertheless, the report represented an important advance for the AAUP, provided that it could be adopted by the second annual meeting.

The Second Annual Meeting

Over the summer, Dewey had proclaimed to Seligman that the report of the committee would be the pièce de résistance of the second meeting of the AAUP. Its approval certainly took up a large amount of time at the meeting and, for a while, hung in the balance. Having disclaimed the central role of academic freedom for the founding of the AAUP at its organizational

meeting, Dewey, in his presidential address at the end of his one-year term, explained why things had instead turned out the way they had. He was aware of criticism of the extensive attention that had been paid to academic freedom by the association and remarked on it in his address. Dewey not only defended the focus of the first year, but also argued that events had been singularly beneficial in establishing the association as something "more than a talking body": "While a succession of incidents like those at Utah, Montana, Colorado and Pennsylvania was wholly unexpected (and, let it be hoped, never to be repeated), it may well be doubted whether any cut-and-dried, predetermined plan of 'constructive' work would have been equally effective in shaking a multitude of things together and making an Association on paper into a working unity with a mind and movement of its own."[20]

Seligman presented the report of the committee on the evening of December 31, 1915, and the next morning, at 10:00 a.m. on New Year's Day, the meeting considered the adoption of the report. At this point, there were only about forty members in attendance, which immediately raised concerns over whether such a small number of members should make decisions on behalf of the entire association and, by extension, as one member argued, for the profession as a whole. Under its constitution, a quorum at an annual meeting simply consisted of those members present, and thus there was no question about the legality of voting to approve the report. Nevertheless, Dean Andrew West, who had been accused of impeding "the process of organization" at the founding meeting by one participant, rose to move that the report only be received but not approved. Opposition to West's motion was immediately aroused. The main concern over not approving the report was that it would publicly undermine it if all that could be said was, as one member described it, "that it was not literally put in the waste basket when it came here." University of Nebraska history professor George Howard, one of the faculty members who had resigned from Stanford over the Ross case, rose to call the report "a magna carta for our profession for a long time to come," and warned that merely receiving the report would be used against the association by claiming that the report had been rejected over its "alleged radicalism."[21]

Trying to win support against giving full approval to the report, West responded by offering to approve "the general principle and attitude of the report" rather than the report itself. West stated that he disagreed with some of the details of the report, which should be supplemented. At this point, Dewey relinquished the chair in order to defend the report, noting that if the meeting decided that it had doubts about the principles enunciated in the report, "this association might just as well go out of existence."

With a motion to receive the report on the floor, an amendment to further approve it on the floor as well, a second-order amendment was offered to forward the report for a referendum vote to all members of the association. Several speakers agreed that changes to the report should be processed in some fashion. At this point, unsurprisingly, a certain amount of procedural confusion set in, with further substitute amendments offered and parliamentary inquiries made, when Seligman, who arrived late to the meeting, spoke. Describing in detail the procedure employed in formulating the report, Seligman implored the meeting to pass a motion that would adopt and approve the report, and, acknowledging the expressed desire to see some changes, send it to the members of the association to provide comments to the committee. Seligman promised to attempt to incorporate changes submitted to him. After lengthy additional discussion, the necessity of asking the membership to approve or disapprove the report was raised again, at which point the transcript records cries of "Question" from the assembly.

Although the body was apparently ready to vote, now Wigmore rose to complain that his proposal on judicial immunity had not been incorporated into the report. He proposed that the committee be continued for another year so as to "work out the missing things" in the report. Furthermore, taking the vote at the next annual meeting rather than by a referendum of the full membership would recognize those who made the effort to attend. One may surmise that Seligman, who had already spent two years working on this project, must have been close to exasperation. Calling Wigmore's proposal "not only unwise but fatal," Seligman made it clear that the committee had never intended to present the report as a "definitive and final solution" to the problem of academic freedom. Instead, the report should be considered "as a constitutional document," for which a permanent committee on academic freedom would "bring in amendments, would bring in supplementary statements, would bring in ancillary developments on the whole situation." Furthermore, Seligman observed that the present situation of academic freedom in the United States had reached a "crisis" and that there was a danger of missing "the psychological moment," because "the whole country is waiting for some sort of statement."

Seligman again tried to formulate a motion that would satisfy the concerns expressed. He summarized the motion in three parts: that the meeting accept and approve the report; that it be sent with the stated approval of the meeting to the membership of the association with a request to submit comments to the committee; and that the committee be instructed to incorporate "such as seem wise in the report." Although several more rounds of substitute motions were offered, in the end it was Seligman's motion that

Dean West seconded. At this point, rather incredibly, Fetter, who had not spoken throughout the discussion, moved to amend one more time: "I move to amend by striking out everything after the words 'that this report be accepted and approved.' " The effect of this amendment was to bring the report to a final up-or-down vote in front of the meeting after all. The amendment passed, and the report was now before the assembly. As some members had voted against the amendment, Lovejoy rose to say, "it is important that a body of professors doesn't distinguish itself by deliberating for two years, three years, four years and nothing happens." The motion passed, and the report was approved.

With the report's approval, the joint committee of nine went out of existence. The association's committee of fifteen had discharged its duties as well. The discussion next turned to the question of whether to establish a permanent committee on academic freedom, which Seligman advocated by remarking that a committee on academic freedom "must be very much like the Supreme Court of the United States. It must be there in continuous session, through its chairman at least, with the secretary, to receive communications, to hear motions, to entertain complaints, to adjust little things, and that means a great deal of work. . . . It ought to sit as a permanent body, and as a notice to all our universities that there is such a body in existence." The meeting adopted the following resolution: "that the present Committee be discharged after completion of their unfinished business, and that the Council be instructed to appoint a permanent Committee on Academic Freedom and Academic Tenure." Dean West had apparently misunderstood the effect of the final motion on the report, as he asked whether the charge of the committee included taking up suggestions to finalize the report, to which Dewey simply replied, "no."[22]

Following the meeting, one attendant made the observation that "if time-honored parliamentary procedure could have attended in the form of an embodied spirit, it would have fled in chagrin at the recklessness with which its most elementary principles were overridden."[23]

Reception of the General Report

The report, coming on the heels of several academic freedom cases that were widely reported on throughout the year, received significant attention in the press. *The Nation* expressed great admiration for the report, noting that "it is hardly too much to say that in the compass of its twenty-two brief pages can be found a chart to which university authorities and outside critics may safely be referred for the resolution of any doubt concerning the proper

status of the professor in his fundamental relations to the governing board of the university and to the community at large."[24]

On the other hand, the *New York Times*, which was known to be particularly hostile to academic freedom, condemned the entirety of the social sciences as "mere opinions" and then exclaimed that a professor who "attacks wealth, perhaps recommends the confiscation of great estates, is fierce against the practices of the prosperous, has some vague, sentimental notion of depressing them to help 'the poor' . . . will be allowed to exercise [this privilege] unless he carries his chartered libertinism of speech so far that he makes the college ridiculous and disgusts graduates and the parents of students." The editorial went on, "only in extreme cases, however, will the governors of the college, a much-enduring body, get rid of the nuisance." And when that happens to professors, "it is the want of dignity in the expression of them, it is claptrap sensationalism, appeal to the groundlings, the unwelcome notoriety they give the institution, that forces at last the hand of the trustees. Then the pother rises about academic freedom to cheapen the reputation of the university and repel students."[25]

The US Bureau of Education reported extensively on the founding of the AAUP and the academic freedom cases that had developed in the office's 1915 report. In the following year, the bureau not only again discussed the investigations of the association at length and summarized the report, but also found that "it constitutes one of the most valuable contributions of the year to the discussion of educational policy." Commissioner of Education Philander Claxton contacted the association and offered to distribute printed copies of the report "to each member of every board of trustees," and the bureau subsequently distributed it widely for the AAUP.[26]

Seligman sent the report to Henry Pritchett, whose secretary sent formal thanks. While the Carnegie Foundation had greeted the impending founding of the association in its 1914 annual report, it did not remark on the committee's report in subsequent reports of the foundation. Other than inviting Dewey to speak at their meeting, the Association of American Universities did not comment on the report, perhaps because it felt that the elite institutions it represented did not have problems with academic freedom. In fact, of all of the educational associations, only the recently founded Association of American Colleges (AAC), primarily representing the denominational colleges, responded to the report at length. These colleges must have felt particularly threatened by the principles espoused by the AAUP.[27]

The AAC's second annual meeting in 1916 featured an address on academic freedom, and Weatherly attended to offer some remarks on behalf of the AAUP in response. After the meeting, the AAC appointed a Committee

on Academic Freedom and Tenure in Office, which in its 1917 report severely criticized the AAUP's report. In addition to pointing out that the restrictions regarding membership in the association excluded both presidents and those below the professorial ranks, rendering the association less than representative of the teaching profession, they also held that most purported academic freedom cases were really just a matter of dealing with "vexels," or mischief makers who "retard administrative processes." A member of the AAC sent its report to the Carnegie Foundation with the observation that "it seemed to represent the point of view of Presidents and Trustees whose business, like that of the heads and directors of other corporations, is to ensure that trust funds are properly administered." The letter went on to express the hope that the report "might well become a kind of standard representation" on academic freedom.[28]

Aftermath

Following the second annual meeting, Seligman and Lovejoy resigned from their respective positions of chair of the academic freedom committee and secretary of the association, stressing the deleterious effect that their service had on their time. Seligman agreed to oversee the publication of the remaining investigative reports, however, and Lovejoy continued to serve on the standing committee on academic freedom. It proved difficult to find their replacements. Seligman had hoped that Fetter would chair the permanent committee, and although he was appointed by council, he declined the appointment. Similarly, Princeton economics professor Edwin Kemmerer declined the nomination for secretary. Because neither position was filled at the meeting, it was left to the council to make the final appointment. Eventually, Cornell University economics professor Allyn Abbott Young agreed to chair the committee, and MIT mathematics professor Harry Walter Tyler agreed to serve as secretary. Tyler went on to serve as secretary until 1930, and after the establishment of the office of general secretary, he served in that capacity until 1933 and on an interim basis from 1935 to 1936.[29]

In addition to appointing a permanent committee on academic freedom, AAUP president John Wigmore appointed a total of sixteen committees, several of which had been authorized as ad hoc committees the previous year. For the first time, committees were assigned letters to their names—Committee A, Committee B, and so on—a practice that Wigmore appears to have adopted from the American Institute of Criminal Law and Criminology, which he had helped found at Northwestern. Thus Committee A on Academic Freedom and Academic Tenure came to be.[30]

Wigmore publicly praised the first year's efforts to defend academic freedom, calling the investigative reports "weighty documents, which would do credit to any judicial court in the world; and their findings must convince all readers that no more impartial and competent tribunal could be found for such cases." Yet Wigmore informed the council that the reason for creating a large number of committees was to avoid the impression that the association was solely interested in the defense of academic freedom:

> The Association must exhibit to the public its real interest in the variety of topics that concern the profession of university teachers. As it is now, the public has formed the notion that the Association is concerned with only one thing, viz., grievances of professors against governing boards. . . . My conception of this body is that of a broad professional organization of university teachers, aiming to the solution of all professional problems. . . . On that conception, we are bound to take up as many as feasible of the subjects mentioned in the call for organization.[31]

Wigmore's concern may have been prompted by a report on the annual meeting written by Brown University history professor William MacDonald in *The Nation* that severely criticized the nascent state of the AAUP, noting that its leaders "had apparently allowed themselves to become so engrossed with the issue of academic freedom as to leave them no time for proper consideration of the interests of the Association as a whole." Seligman responded to the author's criticism in a private letter, stating that "the reason why so little attention was paid to other things was because in the judgment of Dewey, Lovejoy, and myself, this question of academic freedom had to be gotten out of the way first, and the officers therefore devoted all their time to this. Another year the situation will be very different." The adoption of improved policies at Utah and Pennsylvania provided a sense of optimism that the early work of the association was getting the question of academic freedom, as Seligman had described it, "out of the way." Both that optimism and the committee's historical origins were reflected in the official charge of Committee A on Academic Freedom and Academic Tenure, which was to "take up and complete the work" of the joint committee.[32]

Lovejoy also responded to MacDonald's article in *The Nation*. Taking strong exception to several of his claims, Lovejoy remarked in a letter to the editor that "the 'safeguarding of rights,' while an essential, is also a minor part of the Association's function, though unforeseen circumstances have given it special prominence in the past year's activities. The general business of the organization, I take it, is simply the improvement of the Amer-

ican universities. That is a business which has many phases; and it is one in which it is essential to go forward without hurry or bluster or impatience, but also without intermittence or discouragement or capitulation to inferior standards."[33]

The goal of the association was, of course, to have the principles espoused in the general report adopted as widely as possible. Wigmore wrote letters with copies of the report to university presidents. The comments from presidents ranged from criticism, to applause, to a promise by the president of the Ohio State University never to appoint another faculty member to a rank eligible for tenure. University of Wisconsin president Charles Van Hise, who had previously written about tenure standards, sent a letter expressing strongly worded criticism of the report to Ely. Van Hise's primary objection was that the report was "written wholly from the point of the professors. The rights of the students and the public interest in the trust fund are wholly ignored." Van Hise added, in what was apparently intended as a slight, that the AAUP was as far as he knew "the only trade union that has ever made the proposal that a man must have a trial if his service is not continued for life." As Walter Metzger pointed out, trying to get universities to adopt its principles campus by campus was eventually abandoned in favor of working with some of the very educational associations mentioned here.[34]

In encouraging him to accept the position of secretary, Lovejoy outlined to Tyler what he saw as the main duties of the secretary and as the main objectives for the AAUP in its second year of existence. Lovejoy expressed concerns that anticipated those expressed by Wigmore regarding the emphasis on academic freedom, saying "it should be part of the business of this year's Council to correct any false impressions as to the scope and purpose of the activities of the Association, by . . . avoiding emphasizing too much the investigating business" with the exception of cases that were "especially important," such as those that had been forced on the committee during the first year.[35]

The most important topic that Lovejoy identified to Tyler was the establishment of local chapters. In his letter to *The Nation*, Lovejoy had observed that the existence of local chapters could help address concerns over the relatively small attendance at the meeting, because members of chapters "may discuss the questions before the Association, may communicate their views to the council or the annual meeting, and may present new matters for the consideration of the general body. By this means it should be possible to get a more adequate expression of the collective judgment of the profession than any annual meeting alone could give." The formation of chapters

would also help in the recruitment of additional members, which continued to be an important matter for the association.[36]

The publication of the investigation of the University of Utah and the adoption of the general report established the AAUP to the broader academic community as a defender of academic freedom, a role it did not wish to overemphasize. But cases continued to come to the attention of the AAUP's officer, and they began to raise questions over the conduct of investigations so as to assure their fairness. In addition to establishing principles of academic freedom, Committee A began to formulate procedures for the conduct of investigations, but it also began to view its charge as stressing procedural safeguards of tenure. The latter development came primarily as a result of investigative activities beginning in the second year of the AAUP's existence.

CHAPTER EIGHT

The Goal of Investigations and the Early Development of Academic Due Process

The AAUP entered its second year with a record of significant accomplishments. Its policy statement was receiving widespread attention, although not nearly as widespread adoption. When an institution did adopt the association's provisions for safeguarding academic freedom, however, it added to their desired status as a standard. Because the investigations at Utah and Pennsylvania had led to the adoption of improved regulations, it was becoming clear that such an outcome could potentially be a goal of an investigation, in addition to or even perhaps rather than adjudicating the facts of the case. While adjudicating the facts could bring a sense of vindication to the aggrieved faculty member, doing so was fraught with potential difficulties, to be illustrated by comparing two early investigations at the universities of Washington and Montana, which featured both the dismissals of faculty members under dubious circumstances and the involvement of newly appointed executives with AAUP credentials. Following their conclusion, Committee A chair A. A. Young proposed a change in the focus of the work of the committee toward what is now commonly referred to as "academic due process."

University of Montana

On October 24, 1916, Lovejoy sent Seligman a telegram that asked him to "wire Guido Marx of Stanford that it is not customary or desirable that individual members of investigative committees take action affecting the conduct of investigation without awaiting full discussion of point at issue and vote by special committee and where general policy is concerned by general committee." The investigation of dismissals at the University of Montana,

which would be the first of three investigations at that institution within less than a decade, was in trouble, and the prospect of a unanimous report by the committee was dim. Although Seligman had resigned as chair of the committee of fifteen, he had agreed to see through the publications of the reports of the investigations that the committee had taken up. The Montana investigation, which had difficulties almost from the start and had to respond to the different turns the case continued to take, was the only report remaining to be published.[1]

In 1893, Montana had established four institutions of higher education "in order to please various real estate interests," in the words of Upton Sinclair. It was widely agreed that the number was more than a state of its size—Montana had a population of 245,000 in 1900—could support. In addition to the university in Missoula, the state system consisted of an agricultural college, a normal school, and a school of mines.[2]

In spite of the difficulty of supporting all of these institutions, consolidation of the system was highly contested throughout the state. The dismissal of the university's second president, Clyde Duniway, in 1912 was at least in part attributed to his advocacy on behalf of consolidation, yet the third president, Edwin Craighead, threw himself behind an effort to merge three of the four institutions. A ballot initiative to that effect was introduced in 1914, and in order to garner support in high places for the initiative, Craighead contacted Henry Pritchett of the Carnegie Foundation. Pritchett, however, while noting that the proposal was in the interest of "efficiency and economy," was reluctant to follow up on Craighead's request to inform the state superintendent, Henry Davee, of his support because he wished "to avoid any occasion for accusing the Foundation of intruding when it had not been invited." The ballot measure failed later that year.[3]

In addition to a higher education system that was spread thin, each institution was under the control of a bewildering array of governing bodies, making the governance system "needlessly complicated," as the AAUP's investigating committee noted with some understatement. The state board of education was the primary governing body for all four institutions, which, owing to its infrequent meetings, had separate standing committees with more direct authority over each institution. In the case of the university in Missoula, that committee was the "university committee," whose recommendations required the approval of the full board. But the board acted at times against the committee's recommendation and at other times without seeking its recommendation. In addition, each university had a competing "local" or "executive" board that had among its members the president of the institution and several local businessmen, who were not

generally members of the state board. As Lovejoy observed, "the confusion resulting from this type of organization is very much increased by the personal feud between [Charles H.] Hall, the chairman of the University committee, and [J. H. T.] Ryman, the principal man on the local board," who were "old personal and political antagonists."[4]

The feud between Hall and Ryman came to a head during a meeting of the board on June 7, 1915, at which Ryman leveled a total of eleven charges against Craighead, seeking his dismissal. Ryman had interviewed a number of faculty members regarding Craighead's administration without his knowledge and claimed widespread faculty dissatisfaction. Among the charges against Craighead was that he was complicit in corruption related to the management of athletics and the athletic eligibility of students. The board, which was meeting to discuss the renewal of Craighead's appointment, was primarily under the control of the governor, who had not favored consolidation. Following Ryman's presentation, the board simply tabled the charges and then voted not to retain Craighead. Although the board appeared to act in response to the Ryman charges, it was understood that Craighead's dismissal was due to his advocacy of consolidation.[5]

Hall and the other members of the university committee were strong supporters of Craighead. Although the investigating committee found that support for Craighead among the faculty was more widespread than Ryman had intimated, several faculty members were outspoken critics of Craighead. Upon the motion of members of the university committee, the board dismissed three of these critics with the stated reason of promoting "harmony" at the university. One of the dismissed professors, English professor George Reynolds, wrote to Lovejoy that he had learned that his dismissal "occurred as a sop to the Hon. Charles Hall for [Craighead's] dismissal . . . I, as a friend of Mr. Ryman, was thought to offer an easy revenge upon him. Thus, my dismissal was as the board truly said, to promote harmony, but harmony in the board itself." In addition to Reynolds, the board dismissed psychology professor Thaddeus Bolton and dean of women and instructor of languages Mary Stewart.[6]

Much of the early information made available to the AAUP's committee came from a faculty member at the university, economics professor and Columbia alumnus Joseph Harding Underwood, one of Craighead's critics. Underwood first informed Seligman of the dismissals in June and described the general situation as follows: "I was . . . as happy as a Columbia man can be under a regime of crooked athletics, loose and unjust finance, total disorganization, an unremitting program of student amusements, constant

advertising, the subordination of every academic consideration to expansion and a demagogic policy with students, to whom the president is a demi-god."[7]

As a result of Underwood's request, the AAUP's council added the case to the already significant docket of the committee of fifteen, which appointed an investigative committee. The five members of the committee were (in addition to Lovejoy, who had traveled to Montana to investigate over the summer) University of California zoology professor Charles Kofoid, University of Washington English professor Frederick Padelford, University of Wisconsin education professor Edward Elliott, and Guido Marx. All but Marx were members of the committee of fifteen. Marx had served on the organizing committee of the AAUP and was a member of the AAUP's council.

In order to address the rivalry for support among the four universities, for which the state had insufficient funds, Governor Sam V. Stewart decided to fill the recently established office of the chancellor for the state system in 1915 at an annual salary of $8,000, three to four times that of a full professor at the university. In October, the board announced that its choice for the position of chancellor turned out to be none other than Edward Elliott. The choice of a member of an investigative committee during an ongoing investigation to head the state system of the investigated institution was certainly unusual. While there is no evidence that the governor was aware of Elliott's affiliation before he was hired, Elliott used his continuing membership on the committee of fifteen to his advantage until Lovejoy, who was not aware of Elliott's actions, urged him to step down in November so as to avoid the appearance of impropriety. Elliott had resigned from the investigative committee immediately following his appointment as chancellor.[8]

Elliott negotiated as a condition of his acceptance that the board would commit itself to "more definite tenure" of faculty members, which was to be codified in explicit procedures after he assumed the position. He further pointed out to the governor, in the context of expressing concerns over the security of his own position, that he considered the dismissal of the three professors to have been "fundamentally wrong and inimical to the best interests of any higher educational institution." In another surprising development, when the board announced the appointment of Elliott, it reinstated the three dismissed faculty members but placed them on a leave of absence because the semester had already begun.[9]

These developments raised the question of how the AAUP would continue to handle the case. Shortly after his appointment had been announced, Elliott wrote to the governor to report confidential information he had received from a committee member indicating that the committee

considered Elliott's appointment as "the appearance of a new order" and would stress it in its report. He added that he would attend the November meeting of the committee of fifteen, of which he was still a member, in order to further the "interests of the State of Montana." In response to the state superintendent's stated desire to see the AAUP drop the matter entirely, Elliott expressed the hope that he would be able to affect the publication of the report and "forestall any untimely action on the part of the committee." Although Elliott's subsequent resignation from the committee of fifteen made it impossible for him to influence the outcome of the investigation from within, he continued to oppose the publication of any report by the AAUP throughout the development of the investigation.[10]

Lovejoy was likewise asking himself how the case should be handled. He told Elliott that he favored having the committee publish only a brief statement in the press that would fault the board for its actions but acknowledge the improvements that had been obtained with Elliott's appointment, which Elliott again immediately reported to the governor. Kofoid also questioned the wisdom of a full report, yet he remarked that he had received information that the reinstatement of the professors was only pro forma. Having heard similar concerns, Governor Stewart wrote to Lovejoy to assure him that the reinstatements had been "absolute," but that the final disposition of the matter of the three dismissed faculty members was with the chancellor, after which Lovejoy indicated to both Stewart and Seligman that he thought it best not to issue a report other than a brief statement in the press. By the middle of November, Lovejoy informed Kofoid that he, Seligman, and Dewey were in agreement that only a brief report on the Montana case should be published, and Kofoid sent a thirty-one-page summary of findings to the investigative committee from which to distill a short statement.[11]

Already at this point, the investigative committee showed the first signs of internal disagreement. Padelford wrote to Kofoid that he wanted to see a stronger expression of disapproval of Craighead's conduct before he could sign the report. Lovejoy reported that Marx had voiced concern that issuing only a brief statement in the press would open the committee to "the ugly charge of having been bought off by the appointment of Elliott," a concern apparently shared by Padelford, who noted further that he had received word that the situation in Montana was "not clearing up as it should" and that he favored publishing a longer report so that the "State at large" would take the matter more seriously.[12]

And in fact the situation was not clearing up as it should. Immediately following the reinstatement of the three faculty members, Charles Hall, the chair of the university committee, wrote to Elliott to explain that the board

had reinstated them "solely to clear their names" and with the understanding that "they will not be re-engaged next year." Hall added that several prominent businessmen had met with the governor to protest the reinstatement because they believed it would cause a continuation of the strife that had plagued the Craighead presidency, a belief that Hall shared. In a letter to Ryman, written in December, which Elliott subsequently did not send but classified as a memo for his records, he reminded Ryman of his previous statement that allowing any of the three professors to return to the university would "complicate the general situation," adding that he had informed Ryman of being "extremely desirous, before beginning my own work, that all previous causes of friction between the several factions in Missoula be removed." In January 1916, Elliott informed the governor of a meeting with two of the dismissed professors, at which he had informed them that the final decision over their status was not with him but with the board, and suggested to each that it would be better if they resigned voluntarily. Having misled Lovejoy to the contrary, the governor responded to Elliott that the board had never intended to fully reinstate the faculty members and that they would be dismissed if they did not resign voluntarily. Elliott's unequivocal response was that the return of the professors would cause difficulties he wished to avoid.[13]

The meeting between Elliott and one of the two dismissed professors was subsequently reported to Lovejoy. As Lovejoy explained to Elliott, the position that was being attributed to Elliott in these meetings was that because the board had both dismissed and reinstated the three professors prior to Elliott's appointment as chancellor, he felt it was the responsibility of the board to decide how to dispose of the situation because, in Elliott's view, both decisions had been mistaken. Pointing to the letter by Governor Stewart that the decision was going to be with the chancellor, Lovejoy remarked, "nothing, obviously, could well create a more painful impression on the report of our committee than the exhibition of a situation in which the Board escapes responsibility in this matter by referring it to the Chancellor and the Chancellor similarly escapes responsibility by referring it to the Board." Lovejoy went on to state that the committee of fifteen was reconsidering its decision to issue a brief statement only. Elliott's terse response simply requested that Lovejoy give him time to assume his office in February before asking him to speak in an official capacity on the matter, which Lovejoy apparently took as an indication that Elliott intended to rectify the situation.[14]

On April 28, 1916, the board voted to dismiss the three faculty members for the second time. In what can only be described as an act of hypocrisy,

having made clear his position on the reinstatement of the three faculty members to Elliott, Stewart publicly voted against the redismissal for the stated reason that the faculty members were not being offered a hearing, which the board had agreed to provide as a matter of policy prior to any dismissal. Although the investigative report faulted Elliott—"while professing to have nothing to do with the cases of the three professors, he actually did throw his influence against their reinstatement"—it placed most of the blame for second dismissals on the board. Immediately following the announcement by the board, Lovejoy contacted Elliott to confirm his position regarding the board's action, which was in fact that he was washing his hands of the matter. The committee continued to work on the report over the summer with the hope of receiving at least some indication that Elliott had made good on the promise to adopt regulations on conditions of tenure.[15]

At this point, however, the investigation was plunged into an extended and acrimonious battle of wills between Marx and Lovejoy. Their disagreement centered on one particular issue. The three faculty members had been dismissed because they had been critical of Craighead's conduct, which had been openly admitted by the board. The final report expressed eloquently the committee's views on a dismissal under such circumstances: "The action of the state board in removing three members of this minority 'in the interests of harmony' . . . misconceives the function of opposition in the shaping of educational ideals and in the administration of sound policies. A vigorous opposition conduces in the long run to clarity in the formulation of ideas and to breadth of view and prudence in the initiation and administration of educational policies."[16]

Lovejoy and Marx disagreed over the following question: who, in the end, was right—Craighead or the three faculty members? Marx was convinced that the three faculty members were right and wanted to see them vindicated on the record; Lovejoy had doubts over a number of the charges against Craighead and wanted to say little about them. Given both the breadth and the general nature of the charges against Craighead, it is not surprising that it proved difficult for the committee to adjudicate them. Lovejoy took strong exception to a letter by Marx in which he accused the majority of the committee of attempting an "evasion or a whitewashing of President Craighead." And so, for about half a year, from September 1916 to March 1917, Marx and Lovejoy engaged in charges, countercharges, and demands for retractions; appeals to Seligman, Committee A chair A. A. Young, and AAUP president John Wigmore; and, in the case of Marx, an independent investigation into the facts of the case. While Seligman initially

refused to inform Marx that he could not conduct his own investigation, as Lovejoy had requested in his telegram to Seligman, he eventually wrote a memorandum to the investigative committee in which he expressed disapproval of members of investigative committees conducting independent investigations without the consent of the chair and pleaded "for deliberation, for calmness, and for courtesy."[17]

Perhaps the best summary of Marx's perspective, following a communication by Young that Committee A would not investigate the investigative committee's activities, is that it was his "personal conviction . . . that our Association is at present characterized by anything but an eager purpose to serve ends of justice and equity." Young's response, which he would reiterate in the committee's report in 1917, expressed doubt that investigations could "result in relief to an aggrieved party," adding "all that we can do is try to see new and better standards of academic freedom and academic tenure. For this purpose we have to select those cases which involve important issues of general principle."[18]

Lovejoy's reasons for his opposition to Marx's objective were different from Young's, however. Blaming their disagreement on the failure of Marx to understand distinctions between standards of proof, Lovejoy noted, "it is the business of the committee to state in its findings what the evidence *proves*. It is therefore inevitable, especially in view of the impossibility of subpoenaing witnesses, that the reports shall sometimes fall short of telling the whole story, or what all of the members may privately believe to be the whole story."[19]

Furthermore, from the beginning, Lovejoy had doubted some of the charges against Craighead, particularly because he had determined that a majority of the faculty had supported him. Lovejoy's conviction, which he held consistently, perhaps to a fault, was that the position taken by the local faculty was among the most important pieces of evidence in an investigation. Lovejoy and Marx were each exasperated by the conduct of the other. In his unpublished autobiography, Marx claims that he was subjected to bullying and intimidation. Lovejoy left Marx's letters in the investigative files in an envelope on which he wrote "'Marxisms'—Misc. Illustrations of."[20]

In the middle of the ongoing debate of the committee, Elliott wrote to Lovejoy to request again that no report be issued. Lovejoy forwarded the letter to Wigmore, who responded to Elliott that he would be willing to recommend that the committee forego the publication of an investigative report if Elliott could provide an "explicit statement" of acceptance of the association's principles as promulgated in its report on academic freedom.

In response, Elliott explained that he was working toward the adoption of appropriate policies and requested additional time. When in December Kofoid inquired about the status of the new procedures, Elliott responded that he had concluded that it was "neither feasible nor desirable to proceed further" in the matter, adding, "moreover, I regret exceedingly that the chief responsibility for the delay is centered in your sub-committee which, by its excitations in Montana during the last few weeks, appears unwilling to afford me any fair opportunity to secure the prompt recognition and adoption of the policies and principles for which the committee on academic freedom was established."[21]

In the end, the final report, which appeared in May 1917, was unanimously approved, with a single dissent by Lovejoy on one point, and can be considered to have been a compromise. It included a full discussion of the charges against Craighead with a count of votes of the faculty at the University of Montana as to whether they agreed or disagreed with the charges. As Lovejoy wrote to Young, "the Montana report—since it to some extent damns both sides—is pretty certain to please none of the chiefly interested parties."[22]

Committee A: 1916–17

After Seligman's resignation over the New Year, it took until March 1916 for Wigmore to convince Young to serve as Committee A chair. Because Seligman and Lovejoy had repeatedly complained about their heavy workload, Wigmore noted that there were only a few cases pending that seemed suitable for investigation, and after Young had accepted, Tyler sent him a list of seven cases for which investigations were being considered. In order to broaden the range of available tools, Wigmore suggested early on that the committee should consider using mediation instead of investigations. As Wigmore remarked in his annual report in 1916 regarding the association's investigative activities, "these inquiries made *after* the fact, which gain their effect by publicity only, may often be replaced by private inquiries, made *before* any public break, and directed to the private use of advice and conciliation for preventing a rupture." A particularly important example of this kind was a case at the University of Cincinnati, for which Young traveled to the institution to help advise the administration on a potential dismissal. The mediative efforts of Committee A were sufficiently successful that third AAUP president and Cornell University philosophy professor Frank Thilly recommended their continuance in his address in 1917.[23]

Early in 1916, Wigmore and Lovejoy developed detailed procedural guidelines for the conduct of investigations. These procedures made it clear that the association could choose to take up complaints for investigation based on specific, enumerated criteria:

(a) Whether the case involves more than one academic teacher or teachers in more than one department.
(b) Whether the case can better be referred for inquiry to a specialist society representing the subject taught by the professor or professors concerned.
(c) Whether the statements made in the application indicate *prima facie* that an issue of academic freedom is involved.
(d) Whether the case is important, either because of the publicity it has received or for other reasons. If the case is important in other respects, the fact that only one teacher is affected should not be a ground for declining to investigate.[24]

The procedures further indicated that final approval would have to be sought from the executive committee of the association's council, and Wigmore subsequently selected three of the seven cases identified by Tyler as pending and recommended them for approval. The rationale offered by Wigmore, which Tyler forwarded in a memorandum, differed curiously from those offered in the Committee A procedures. Having previously expressed a preference for the association not to appear to be overly concerned with investigations, Wigmore had apparently recognized that these investigations had value for the adoption of better institutional policies where investigations had taken place. In particular, Wigmore noted that "the ground gained will be lost" if no cases were taken up that year. Regarding the cases themselves, Wigmore categorized them as relatively unimportant, adding that they were possibly not going to be found in favor of the complainant, which, Wigmore stated, "makes it even more desirable to undertake them, so that it can be made to appear that our body takes a judicial attitude; and is not acting in a partisan manner to discover simply cases of genuine complaint." Finally, even though the cases themselves appeared unimportant, Wigmore found the conditions that prevailed at these institutions to be "unfortunate," and so perhaps the publication of a report could improve them.[25]

Wigmore's recognition of the relative importance of the adoption of improved institutional regulations over the assistance provided to individuals, which Young had pointed out to Marx as well, was publicly announced when Young presented a report for Committee A in 1917:

> our experience has shown pretty clearly that we can rarely expect to obtain the actual redress of an individual grievance, and we do not believe that we should intervene merely to secure the professional rehabilitation of one unjustly dismissed. . . . We have to look to the future rather than to the past, and to the institution rather than to the individual. Injustice to the individual becomes a matter of wider concern when it indicates a bad institutional situation . . . If we cannot redress grievances we may uncover the conditions which breed them, and so make their recurrence less likely.[26]

The three institutions at which the executive committee approved investigations in 1916 were Allegheny College, the College of Wooster, and the University of Washington. After Lovejoy had served on all of the investigative committees of the four cases taken up by the committee of fifteen in 1915, he did not serve on any of these three, although he attended the interviews conducted for the Washington case in Seattle.

University of Washington

In spite of the complex nature of the Montana case, the AAUP almost simultaneously investigated a second case that was nearly identical. What is perhaps more surprising than the level of similarity is that the outcome was the opposite of that of the Montana investigation.

The case at the University of Washington involved the dismissal of education professor Joseph K. Hart, but it was much more centrally about the newly installed president, Henry Suzzallo. Like Elliott, Suzzallo had received his doctorate at Columbia University's Teachers College and, like Elliott, was a charter member of the AAUP, having served briefly on the investigative committee of the University of Utah. When Suzzallo was first under consideration for the presidency at Washington in 1914, an unsigned editorial in the *Northwest Journal of Education* claimed that the Carnegie Foundation and Columbia University were conspiring "to control, dominate, and dictate educational conditions and progress in America" by installing presidents at every institution who are "acceptable to these sovereign powers." The editorial further claimed that the presidents would be furnished by Columbia and that "the University of Washington is to be the first objective in the West of this benevolent educational oligarchy." As associate editor of the journal, Hart was generally presumed to be the author of the editorial. He had expressed sentiments critical of the prevalent form of university governance in an article under his name, in which he argued for faculty and student participation in the selection of presidents at state universities.[27]

Following the publication of the editorial, John Dewey wrote to Hart to defend Suzzallo in glowing terms, calling him "thoroughly progressive in all matters—social and economic as well as educational," adding, "when he becomes a college president, at Washington or elsewhere, there will be a college executive of a new type, and the movement for a more democratic control of college institutions will have rec[eive]d a new impetus." Less than a year later, Dewey appointed Suzzallo to the investigative committee on the University of Utah with the stated objective of satisfying the "conservative" side, which raises the question of how convinced Dewey really was of Suzzallo's Progressive credentials.[28]

After his appointment in 1915, Suzzallo's approach to the operations of the university turned out to be quite the opposite of what Dewey had promised. Even before his appointment was announced, he privately pushed to get rid of Hart, and on May 17, 1915, the day before the announcement, acting president Henry Landes dismissed Hart and the two other members of his department because of "personal antipathy, animosity, and distrust" between them, which had "destroyed the cooperation and coordination absolutely necessary for the successful administration of the department." The dismissal was to take effect the following year, but because Hart was to be on leave, his dismissal took effect immediately. One of the two other dismissed professors, Herbert Lull, found another appointment, but the other, Frederick Bolton, who served as department chair, was reinstated in February 1916. Bolton's reinstatement created the impression, certainly to Hart, that the dismissal of the entire department had primarily been for the purpose of dismissing Hart without arousing suspicions.[29]

In October 1915, Suzzallo made it clear to Columbia president Nicholas Murray Butler why he had dismissed Hart in spite of receiving threats of an "academic freedom fight" from faculty members. Suzzallo boasted that he had "struck hard" to dismiss Hart because he "could not cooperate in the university," although he noted parenthetically that Hart was "a socialist and a radical," which he disclaimed as the reason for the dismissal. Suzzallo further expressed pride in having handled the case without causing the threatened academic freedom fight to break out. As if to confirm the suspicions raised in the unsigned editorial attributed to Hart, Suzzallo pointed to the recent appointment of a Columbia graduate to the presidency of Washington State University and Elliott's appointment in Montana, remarking that "the Columbia leadership becomes significant in the Northwest." Suzzallo would continue to operate in a similar manner: following Hart's dismissal, he moved to isolate noted Progressive faculty member J. Allen Smith by dividing his department in a way that left him in a department of one.[30]

Following Bolton's reinstatement, Hart requested that the AAUP investigate his case. But Young clearly took his cues from Wigmore, who had characterized the case as not very important. So, when Young invited Reed College biology professor Harry Beal Torrey to chair the investigative committee, he echoed Wigmore's sentiments to Torrey and further stated that the executive committee had decided that the case was worth investigating "even though, on the surface, it seemed likely that the findings would not sustain Professor Hart's contentions." Young further notified Suzzallo of the impending investigation, adding that in his opinion "chances are that it will come to nothing."[31]

Although Young repeatedly suggested that a visit of the investigative committee might not be necessary, Torrey traveled to Seattle in July to conduct an investigation. Lovejoy asked to attend interviews held by Torrey, even though he was not a member of the investigative committee. The brief four-page investigative report simply concluded the following.

1. That there was a serious lack of harmony within the department of education for which Professors Bolton, Lull and Hart were jointly responsible.
2. That no evidence has been presented showing that their dismissal was a result of political or other external pressure on either Board of Regents or Acting President Landes.
3. That the conditions within the department were alone adequate grounds for this action.

In an apparent departure from the procedures that had just been adopted for Committee A investigations, which called for providing sufficient support for the findings of the committee "to permit a reader to form a fair judgment as to the adequacy of the evidence for those conclusions," the report offered no such evidence other than to state that its conclusions were based on interviews and letters in the possession of the committee.[32]

The best that can be said of the case is that the few available archival records point to a somewhat more ambiguous conclusion than that offered by the committee. On the one hand, Deron Boyles, in an article on the case, provides evidence for the fractious relationship in the department. Furthermore, there appears to have been little support for Hart among the faculty, again an apparently important consideration for Lovejoy. Suzzallo wrote to Young early on that a group of three professors, which included J. Allen Smith, had written to Hart to discourage him from pursuing his complaint further, and Lovejoy, who had attended the interviews conducted by Torrey, wrote to Young that he agreed with the findings of the report, while

expressing some misgivings over the failure of the report to provide evidence for its conclusions. Finally, Committee A member and University of Washington professor Frederick Padelford, although recusing himself from a vote on the report, expressed concurrence with the findings in a letter to Young.[33]

On the other hand, Torrey wrote to Young following his visit that while "the principle of academic freedom does not appear to have been assaulted," he found that "there are grounds for the view that President Suzzallo erred in concluding that Hart was chiefly responsible for the trouble in the department of education." And yet, while even AAUP president Frank Thilly asked "whether the Committee should have expressed some opinion concerning the reappointment of Professor Bolton," because the report had made him out to be "equally responsible," Thilly concluded somewhat meekly that "perhaps, however, it is none of our business." Finally, one cannot help but note the strong contrast between the rebuttal of marshaling "harmony" in the Montana case and its acceptance in the Washington case.[34]

Arguably the most important similarity between the cases at Washington and Montana was the backgrounds of Elliott and Suzzallo. Through their affiliations with the AAUP, they provided some promise of instituting reforms that would at least be sympathetic to the positions of the association, and thus in both cases a central question was which actions would help bring about such changes. Although there is no evidence of a cynical weighing of the fate of dismissed professors against the support for a new, reformist president or chancellor so as to obtain improved regulations, it is clear that in the Montana case the AAUP sought the latter but was ultimately rebuked by Elliott. In response to the criticisms by Marx that Lovejoy was trying to whitewash Craighead, Lovejoy wrote to Seligman, "there is one person in the case whom we have some motive for desiring to acquit, namely, Elliott," yet Lovejoy found the negative description of Elliott's conduct to be, in his opinion, "the severest thing in the report." On the other hand, both Torrey and Thilly expressed views on the case sympathetic to Hart that were ultimately not reflected in the report.[35]

Academic Due Process

At the time Wigmore recruited Young, he noted that the primary objective of Committee A should be "the completion of the General Report," which had not specified "the substantive ground for dismissal that could properly be availed of by the Board." Instead, the committee's experience through the two years under Young's chairmanship shifted its focus from substantive

questions to the establishment of a procedural view of the defense of academic freedom, subsequently termed "academic due process."[36]

The procedures for investigations adopted in 1916 already featured several important elements that were an early step toward the establishment of academic due process. They specified that before an investigation could be authorized, the association would request that the institutional authorities conduct a judicial inquiry that employed the procedures outlined in the committee's report on academic freedom, and that refusal to do so would constitute sufficient proof that the institution's procedures were deficient. The investigative procedures further specified that, in general, the burden of proof was on the party making an allegation, with the exception of the dismissal of a faculty member on a permanent appointment or one carrying the presumption of permanency. In that case the burden of proof was on the administration, and the failure of the administration to provide an explicit reason for the dismissal would constitute sufficient proof that the action had been taken "on indefensible grounds." Between these two provisions, it was a relatively small step to consider the refusal of the institution to provide a hearing as sufficient grounds for finding against it.[37]

Young's proposal to move further in the direction outlined in the early investigative procedures was based on his observation, presented in his report for the committee at the 1917 annual meeting, that investigations of alleged infringements of academic freedom had involved the judgment of investigative committees on matters of substance. Young was specifically noting that investigations had necessitated judgments of whether a specific utterance was the "exercise of the scholar's right" according to general principles of academic freedom. He observed that there was a danger in this approach because of a "narrow and uncertainly mapped area where judgment must hinge upon a knowledge of the background and all the attending conditions of the individual case." Based on his two years of experience, Young was thus questioning the wisdom of having investigative committees consider matters of substance, such as the conduct of substitute dismissal hearings.[38]

In response to his concerns, Young proposed to shift the emphasis of Committee A to principles of tenure. Young observed, "the real safeguards of academic freedom are the general safeguards of security of academic tenure, and these safeguards consist, in the main, of guarantees of adequate and appropriate procedure." Thus, in order to avoid having to make judgment calls on the substance of individual cases, the association should require that a professor "have the right to insist upon a definite formulation of the charges against him, upon a hearing, and upon a consideration of his case by a competent and impartial group." Although Young did not point out

this particular aspect of his observations, having investigative committees make judgments on substantive rather than procedural issues increased the chance of fairly similar cases being judged differently, because substantive judgments tended to involve "knowledge of the background and the attending conditions," which he had cited. Given that his report was presented only months after the publication of the Montana and Washington reports, the "narrow and uncertainly mapped area" to which Young points likely refers to these cases. Subsequent investigative reports frequently considered first the question of whether the complaining faculty member had been provided with charges or a hearing.[39]

In October 1917, Committee A reported that investigations at Arizona, Idaho, Texas, and Colorado College had been authorized. Yet with the US entry into World War I, the investigative activities of the AAUP were put on hold because it proved too difficult to appoint investigative committees when professors were preoccupied with war duties. Only a report on Colorado College would subsequently be published.[40]

As Committee A developed procedures for the conduct of its investigations, it began to recognize the value of a procedural approach to the defense of academic freedom. In addition to perhaps avoiding divergent outcomes in similar cases, such as those at Montana and Washington, for instance, a distinct advantage of the procedural approach was that the AAUP did not have to assess specific utterances by professors to determine whether they had crossed a line, which in turn relieved the association from possible accusations that it harbored sympathies with those views. Such charges would have been increasingly difficult to maneuver as the country entered into World War I.

CHAPTER NINE

Academic Freedom in the Age of Repression

In April 1917, the United States entered World War I. Opposition to the war—and any kind of pacifist, pro-German, or insufficiently patriotic utterances—became the focus of a large number of academic freedom cases after the entry. But such cases did not end with the war: the first Red Scare and the raids by US Attorney General A. Mitchell Palmer that followed World War I created a climate conducive to continued repression in universities that lasted well into the 1920s. The AAUP's failure to take up most of these cases stands out as a major retreat of the association, and its report on "Academic Freedom in Wartime" would retract some of the principles it had just declared to the broader academic community. But even beyond the effect the Red Scare had on academic freedom, and further on the labor movement, historian Philip Foner noted that the Red Scare was used as "a weapon against all forms of liberalism, and that allegations of 'Bolshevism' were used to counter any attempts at reform." It would affect the course of university reform as well.[1]

Scott Nearing

After his dismissal from the University of Pennsylvania, Scott Nearing took a position as a faculty member and dean of the college of arts and sciences at the University of Toledo, beginning in January 1916. The institution was part of a movement of "municipal universities" that existed in several states, including Ohio, Michigan, and Kansas. These universities received their financial support from municipalities and had as their common mission "the democratic desire to provide educational opportunities for those who could not afford to leave home to go to college." In order to better serve

their student population, they frequently offered evening and night classes for students who worked full time. The establishment of municipal universities was not universally welcomed, however, and they were at times attacked for wasting tax funds by duplicating offerings available at nearby institutions. Given the source of their funding, they had to be concerned about opposition from the local citizenry that might endanger their continued support.[2]

Because of both its mission and its governance, Nearing could not have expected a more congenial working environment than that of the University of Toledo. The mayor appointed the governing board of the university, and at the time two of its nine members were nominated by organized labor through the city's Central Labor Union (CLU); other members represented the Chamber of Commerce or certain professions. Organized labor was Nearing's strongest supporter in town, and his regular public speeches on its behalf, and on behalf of a number of other Progressive causes, soon began to irritate the local conservative element. Yet he was reappointed for the 1916–17 academic year, in part because of public pressure on his behalf by the CLU.[3]

Throughout the buildup to the eventual US entry to the war in April, the question of whether to enter the conflict was heatedly debated, particularly after naval warfare affecting US merchant ships intensified early in 1917. Nearing was an outspoken member of the anti-preparedness movement that opposed the imminent US participation in World War I. Nearing summarized his opposition to entering the war by saying, "the flag belongs to the capitalists, why should we fight for the capitalists?" In February 1917, Nearing attended a pacifist rally in Toledo. Nearing observed during his keynote address, "it looks as if J. P. Morgan & Co. stand to lose their big bet on England to win the war and we must step in to help them win. If we go into this war it will be to make money."[4]

Reports and editorials indicating that Nearing's reappointment was under threat and that his advocacy was hurting support for the university appeared throughout the local press. A pamphlet by a critic of the university, which was largely devoted to arguing against its continued financial support, accused Nearing of being a "discredited professor" who had sought out the university "as a last resort" following his previous dismissal. Nearing had openly criticized having schoolchildren recite the Pledge of Allegiance, and he was quoted as saying "'freedom and justice for all,' as recited by innocent children, was humbug" and that "we were putting misstatements in their mouths when we asked them to repeat the words." Citing the AAUP's report on academic freedom in order to demonstrate that

Nearing had neglected to adhere to its admonitions, the pamphlet asked, "were these conclusions 'set forth with dignity, courtesy, and temperateness of language?' " Without further considering the provision of the AAUP's report that trustees were not to be held responsible for the utterances of faculty, the pamphlet went on to say "it is by such utterances that the 'Municipal University' seeks publicity, and is willing to resort to such methods, to get itself 'talked about.' "[5]

At the same time, Nearing's assertion that "freedom and justice for all" did not exist in the United States was enthusiastically greeted when Nearing spoke at the local chapter of the NAACP. There he compared a referendum mandating segregation that had recently been passed in St. Louis to Jewish ghettos in Russia: "we are Russianizing St. Louis. Is that democratic progress?"[6]

In response to public controversy over his positions, Nearing offered his conditional resignation in March 1917 to take effect "whenever the Board of Directors feel that my retention is detrimental to the best interests of the University." Because the resignation was publicized, the board received widespread comments both in support of and in opposition to Nearing's continued appointment. In order to consider Nearing's resignation in detail, the board appointed a committee to report at its next meeting.[7]

By the time the board met to hear the recommendation of its committee, the United States had entered the war, which further intensified the controversy over Nearing's views. Still, the committee recommended, by a vote of two to one, returning Nearing's resignation to him without taking any action. The dissenting member advocated accepting Nearing's resignation. Two committee members presented rationales for their respective views. The report in favor of retaining Nearing, presented by board member Ben Johnson, an attorney, quoted from the AAUP's report on academic freedom at considerable length. That the AAUP's statement was cited both in support of and in opposition to Nearing's cause is an indication of the report's wide recognition by 1917. Johnson stated that the board should neither accept nor reject Nearing's resignation, because either action would endorse a side in an ongoing debate. He added, "It will make the University not a municipal institution but a partisan, sectarian, or factional institution, reflecting at all times the personal views of the majority of its directors . . . judging the professional fitness of its instructors according to whether their avowed convictions are acceptable or unacceptable to the controlling faction in the board itself, and thus developing a spoils system for the distribution of jobs."[8]

On the other hand, board member Albert Miller, also an attorney, explained that Nearing's conditional resignation represented a demand for a

vote of confidence, which no faculty member had the right to demand, and that accepting the resignation would cause the university to extricate itself from "the mire of dissension, the bedlam of strife, that we have been so unfairly drawn into."[9]

The board decided, by a vote of five to four, to place Nearing's resignation on file and not act further on it, and then approved a lengthy resolution declaring its loyalty to the government's war efforts. When the board reconvened later that month to consider the annual reappointments of all faculty, two of the board members who had voted to support Nearing, including Johnson, were absent. The president of the university was asked to make a recommendation regarding Nearing. He reported on "a widespread belief that Professor Nearing is a class partisan and social propagandist," adding, "questions have been raised concerning the scientific character of his work and qualifications as a professor." He therefore recommended that a panel of recognized social scientists report on Nearing's professional standing and qualifications, both to be fair to Nearing and to safeguard the reputation of the university.[10]

Nearing had been warned that he would be dismissed at this meeting, and so, rather than arranging for a hearing, the board voted immediately not to reappoint him by a vote of four to three. Almost simultaneously with Nearing's dismissal, Simon Nelson Patten, Nearing's teacher, was retired for age by the University of Pennsylvania trustees, even though it was customary to retain faculty over the age of 65 who were distinguished researchers or teachers, as was Patten. While he had previously advocated pacifism, Patten did not oppose the war. But he had agreed to introduce former Stanford University president David Starr Jordan, who was a prominent pacifist, at an antiwar event. The following week, the trustees announced Patten's retirement.[11]

Nearing joined the Socialist Party in July 1917, and later that year the police raided his house in Toledo. In 1918, he was tried, but not convicted, under the Espionage Act for the publication of an antiwar pamphlet. As Nearing stated himself, "one segment after another was chopped out of my chosen career as a teacher." He taught at the Rand School of Social Science, a socialist school in New York, until 1923, and then never held another faculty position. Although the AAUP did not investigate his dismissal from Toledo, Nearing made an appearance in a later AAUP report on conditions at Clark University, where in 1922 the president halted an address by Nearing midspeech. Nearing spoke at the invitation of a student group that had sought and received the president's approval. Yet, upon listening to Nearing's address, the president decided to close the

meeting because of Nearing's "malignment of the moral integrity of the American people."[12]

University of Minnesota

In July 1917, AAUP secretary H. W. Tyler wrote to Committee A chair A. A. Young to suggest ways in which the association could "render patriotic service." Young replied that of particular importance would be the formulation of principles on how academic freedom cases would be handled, as they were "likely to arise on account of war conditions." In spite of cases that Young pointed out had already occurred, such as that of a professor at Syracuse who had been arrested, he observed, "we have to recognize that some things are just at present vastly more important than is academic freedom." Lovejoy, on the other hand, writing to Young, believed "there is a tendency towards hysterical restrictions of free speech during war time which we can help to counteract—as also a general disposition on the part of some to make 'patriotism' a cloak for promiscuous cussedness." But Young's position would win out on Committee A, and the association did little to counteract restrictions on academic freedom during the war.[13]

Regarding the other ways in which the association could contribute to the war cause, Lovejoy warned, "it is of the first importance that we shall not make the sort of ungodly spectacle of ourselves that the German intellectuals have, under the stress of their war-emotions." German scholars had issued several public statements defending Germany's role in the war, which Lovejoy had publicly called "a scandalous episode in the history of the scholar's profession." Although he was concerned that the association could take public positions over which there may be disagreements among its members, Lovejoy played an active role in promoting the war as an individual. He authored propaganda tracts and directed efforts on education and morale for the US War Department, the Maryland Council of Defense, and the National War Work Council of the Young Men's Christian Association (YMCA). Rather than having the association take a public position, Tyler adopted Lovejoy's approach and proposed that perhaps the association could simply send suggestions to local chapters at the beginning of the fall semester as to how academics might render patriotic service individually.[14]

As Young had predicted, the fall semester brought reports of dismissals of faculty members over their "unpatriotic" views. At the University of Minnesota and other universities, outside accusations against faculty members put institutions in a defensive position of having to demonstrate their commitment to the war. Immediately following the declaration of war, the

Minnesota legislature established the Commission of Public Safety. Chaired by the governor, the commission suspended civil liberties, deputized local "peace officers" to maintain order, issued lists of approved textbooks for the teaching of German, and investigated scores of denunciations. Similar commissions or councils were created in a number of states, and several of those targeted universities. In Montana and Washington, the chief executives of the universities, chancellor Edward Elliott and president Henry Suzzallo, served on such state councils, providing an indication of the attention such organizations were paying to higher education. While over a third of the investigations of complaints the Minnesota Commission of Public Safety received concerned sedition, other accusations were of "interference with Liberty Loans" and of the teaching of German in school. Before the fall semester had even begun, a dozen faculty members at the University of Minnesota reportedly "stood accused by the commission of various crimes of apathy and overt mischief."[15]

It was in the context of these denunciations that political science professor William S. Schaper, whose parents were German immigrants, was summoned to a meeting of the board of regents in September to be confronted with accusations, reported to the board by the Commission of Public Safety, that he was "a rabid Pro-German." Schaper apparently thought that the charges were patently absurd, with one of the regents later reporting that Schaper was "belligerent and uncooperative" during the hearing. As a result, they asked for his resignation, and when he refused and requested that he be furnished with written charges against him, they dismissed him. His dismissal was announced in the regents' annual report together with their resolution that "no person whose disloyalty to the Government in the present crisis is established before the Board of Regents shall be continued upon the pay-rolls of the University."[16]

Schaper's case subsequently received much attention, in part because he was publicly dismissed, but also because he was rehabilitated by the university in 1938. Another case that came to Lovejoy's attention at the same time and at the same institution, that of assistant professor of textile and clothing Ethel Ronzone, is probably more representative of the vast majority of cases in that it ended with the faculty member's quiet resignation. Ronzone wrote to Lovejoy a few days after Schaper's dismissal, explaining that she held "certain views upon the question of war in general, upon freedom of speech, and upon economic justice." The president, having been informed of her views, had conferred with her and asked her to "appear before the Board of Regents to be put on a final trial." Fearing dismissal midyear and the inability to find another appointment elsewhere, she requested Lovejoy's advice.[17]

A history of the University of Minnesota describes the following scene at a hearing that was almost certainly Ronzone's, although she is not named there: "A woman of the farm school faculty had been denounced for her failure to make any contribution to Red Cross work. She appeared before the tribunal obviously exhausted by anticipatory fears. Had she, she was asked, refused to contribute to war work? She burst into a flood of tears and a confluent freshet of protestations. If one taught sewing all day one had little inclination to start in again during one's private time especially when one had a sick mother." The regents did not terminate her employment but admonished her to "create a little time for public service."[18]

Lovejoy cited both Schaper's and Ronzone's cases when he decided to suggest that Committee A formulate a report on academic freedom in wartime, and although Young wrote to Ronzone requesting to be kept informed of her case, there is no indication that she followed up with the AAUP. Instead, the report of the president for the academic year 1917–18 simply indicates that she "resigned at the end of the year."[19]

Columbia University

The case that brought to the forefront the issue of wartime dissent for Lovejoy and many others was the dismissal of James McKeen Cattell from Columbia University. Cattell's dismissal reinforced concerns that accusations of disloyalty were being used as a pretext to dismiss unpopular faculty who could not easily be dismissed otherwise. Disloyalty only played a small role in the rather convoluted case, but the direct involvement of both Seligman and Dewey makes the case particularly relevant to the history of the AAUP. Both had served on a faculty committee that recommended Cattell's forced retirement before trustees cited his opposition to the war as the ultimate reason to dismiss him.

Although the trustees had tried to retire Cattell once before, following publication of his book *University Control*, the origin of his eventual dismissal was a confidential memorandum that he distributed to members of the faculty club after Columbia University president Butler announced the relocation of the club to a less desirable location. Cattell ironically suggested that the club should be moved to the president's house, remarking about Butler, who had previously been on the Republican ticket as a vice presidential candidate, "if our much climbing and many talented president should be swept into the national vice presidency by a reactionary wave, it's not likely that his successor will care to live in such a mausoleum."[20]

When Cattell's memorandum was leaked to the press, several members of the faculty club, including Seligman and Dewey, issued a formal repudiation of Cattell. Although Dewey, in January, had expressed agreement with Cattell's sentiments in a personal letter to him, he noted at the time that he did not agree with the tone of the memorandum. Like Dewey, a number of Cattell's colleagues disapproved of his lack of tact and his abrasive personality. The trustees apparently saw the publication of Cattell's memorandum as an opportunity to retire him after all.[21]

Rather than act on their own, the trustees asked a committee that had among its members both Seligman and Dewey to take up the issue of Cattell's memorandum. Having learned of the trustees' request to the committee, Dewey wrote to Cattell to encourage him to apologize, and according to Cattell, Seligman misled him into believing that such an apology would be shown to the trustees only. After discussing the apology with Seligman, Cattell signed a formal apology written by Seligman, which, against Cattell's expectations, was then circulated to all members of the faculty club. In response, Cattell wrote an incensed letter to Seligman, saying that he had deceived him. Seligman replied that while he had initially promised to show the apology to the trustees only, a subsequent correspondence to Cattell, informing him that the apology was to be incorporated into the committee's final report, was intended to inform Cattell that the apology was to be made public. The committee recommended not to retire Cattell because he had apologized.[22]

In response, Cattell decided to circulate another memorandum to the faculty club, in which he quoted Seligman only partially, failing to include the entirety of his explanation about publicizing Cattell's apology. Because he only quoted Seligman's agreement that he had initially promised not to show the apology to others, Cattell was effectively and publicly accusing Seligman of breaking his word. This severely violated Seligman's sense of professorial propriety, and he sent Cattell a strongly worded letter repudiating the charge, concluding that Cattell apparently was incapable of respecting "the ordinary decencies of intercourse among gentlemen" and that his "usefulness to the university had come to an end." Because Seligman was unable to assemble the entire committee, seven of the nine members of the committee, not including Dewey, signed a personal letter to a subcommittee of the board expressing their view that Cattell should be retired. The letter promised a formal response from the full committee in the fall semester.[23]

But in August, Cattell sent a letter to several congressmen expressing support for a bill that would have kept conscripted soldiers from being sent to France. Because he listed his affiliation with Columbia on the letter, Presi-

dent Butler accused him of having caused the university to fall into disrepute. Dewey noted to Seligman that, after the committee had recommended against retiring Cattell over his memorandum, "jumping on him because his politics are unpopular and silly is about the absurdest."[24]

On September 24, Seligman forwarded the official recommendation of the committee to retire Cattell. The recommendation did not cite concerns over Cattell's loyalty. Instead of accepting the recommendation, the trustees dismissed Cattell with the stated reason that Cattell had made a statement "in opposition to the enforcement of the laws of the United States." A member of the board wrote about Cattell in a letter, "we have got the rascal this time and must leave him no loophole." The main effect of the decision to dismiss rather than retire him was that Cattell lost his pension from Columbia. As historian Carol Gruber has noted, simply claiming that the trustees used the disloyalty claim as a pretext is insufficient: "they used the patriotism issue because they thought it was legitimate, and they were able to do so because of the climate of opinion about the war in the community and on campus." On the other hand, some institutions clearly dismissed faculty who were considered expendable and retained others against whom similar charges of disloyalty had been leveled but whose research areas were considered important for the war effort. The belief of some governing boards in the legitimacy of the issue of loyalty was a matter of degree.[25]

Cattell's dismissal, together with that of another faculty member charged with disloyalty, Henry Wadsworth Longfellow Dana, prompted widespread coverage in the press and a multitude of letters to Lovejoy and Young asking that the AAUP investigate the cases. Historian Charles Beard resigned from Columbia in protest, writing in a letter to President Butler that "the university is really under the control of a small and active group of trustees who have no standing in the world of education, who are reactionary and visionless in politics, narrow and medieval in religion."[26]

Following the two dismissals, Dewey resigned from the committee that had recommended Cattell's retirement. He encouraged Seligman to resign as well, arguing that the trustees had not asked for the committee's involvement in Dana's case, having cited instead the Faculty of Applied Science, to which Dana did not belong, which had passed a resolution calling for his dismissal. Together with two colleagues, Dewey wrote to Young requesting an official investigation by the AAUP of both dismissals.[27]

Because the trustees were citing Seligman's committee in the announcement of Cattell's dismissal, Cattell made a statement to the press that Seligman had privately expressed approval of his views regarding the war and had praised Cattell's work to "improve university conditions," whereas the

trustees were "fools." Seligman responded to the press, "I can only regret that Professor Cattell's memory is as treacherous as his conduct is ungenerous," adding his further regret that Cattell "has seen fit to inject personalities and inaccuracies into a record that has already been marred by so many lapses from dignity, wisdom, and good taste." In a personal letter to Cattell, Dewey defended Seligman, noting that "circumstances of last spring threw me into such close contact with Professor Seligman that I am personally aware of the courage, wisdom and devotion with which he labored not only for the interests of faculty participation in university control but for you personally."[28]

Cattell subsequently wrote a pamphlet summarizing his views of the affair, in which he expressed his assessment of the trustees and of Seligman in characteristic fashion: "The trustees—whose horizon is bounded by the two sides of Wall Street with Trinity Churchyard at its end—know not what they do; but unto Prof. Seligman much has been given. He should balance the account with me by signing an apology to 'The University,' which I should write, not to Columbia . . . but to the invisible university which, from the days at Salerno, Paris, and Bologna, has struggled to hold high the standard of academic freedom and will carry it forward into the better world that is to be."[29]

Cattell would continue to battle Columbia legally and, in at least one more instance, Seligman personally.

Committee A Takes Note

Immediately following Cattell's dismissal, Lovejoy wrote to Young to propose the establishment of a subcommittee of Committee A to formulate principles, as a supplement to the AAUP's existing report on academic freedom, taking into account "the abnormal conditions of wartime." Such principles would draw a line "between those modes of action and utterance which are inadmissible at this time and those which ought to be tolerated, even though they may be in opposition to the views of the majority of the public, and to those of persons of academic authority." He further suggested investigating cases on the basis of these principles to determine on which side of the line a dismissed professor's speech could be situated. Lovejoy further remarked upon the danger for the association if it failed to act on the individual cases so far reported, as he believed the association would "lose enormously in influence and in its reputation for facing issues definitely and courageously as they come up" if it did not investigate them. Citing the future influence and reputation of the AAUP as the primary reason for in-

vestigating these cases—rather than, say, the overall goal to defend principles of academic freedom—is of particular importance because it was arguably, in the end, the reason for the AAUP's *in*action in these cases.[30]

Once Committee A had approved the subcommittee's establishment, Lovejoy and Young, who both served on it, sought a third member. They were particularly concerned that the additional member should have an outstanding reputation for loyalty. Young ruled out some members of Committee A whose position on the war he could not ascertain as well as several members who were overly loyal and unlikely to be willing to grant any exceptions for academic freedom. Furthermore, Young added, "Fetter is out of the question because he is a Quaker." In the end, they added Edward Capps, who was not on Committee A, as the third member. Young, whom Lovejoy had asked to serve as chair of the subcommittee, declined, indicating he intended to resign from the chairmanship of Committee A over his heavy workload for the War Trade Board.[31]

Lovejoy contacted administrators or faculty members at institutions where professors had been tried or dismissed over disloyalty, including at the universities of Illinois, Michigan, and Oregon. Committee A's subsequent failure to investigate these cases was thus not due to a lack of awareness that they had occurred, nor did the association publicly ignore that such cases were occurring. In November 1917, AAUP president Frank Thilly acknowledged in a report to the membership that professors had been dismissed over their utterances regarding the war. While Carol Gruber has observed that Thilly was preparing the ground for the subsequent retreat of the AAUP, by tacitly assuming that loyalty was a precondition for academic service, Thilly did insist that the determination of whether faculty speech crossed a line be left with the faculty member's peers, rather than with the governing board, and that the procedural safeguards of a hearing should apply.[32]

While accurate, Gruber's observation should be tempered by acknowledging that some prominent members of the AAUP, including members of Committee A, did not even see the necessity for such procedural niceties. For example, Ely, who was still a member of Committee A, had become a particularly rabid supporter of the war, saying to Young, "a man who gives utterances to opinions which hinder us in this awful struggle deserves to be fired." University of Michigan geology professor William H. Hobbs, who had been on the organizing committee of the AAUP, had brought charges against colleagues over alleged disloyalty at Michigan. He complained to Young that the AAUP was in an unfortunate public position for having defended Scott Nearing at the University of Pennsylvania "on more or

less technical grounds," as Nearing was "now notorious as a worker for sedition."[33]

Academic Freedom in Wartime

The 1915 report on academic freedom had already anticipated what would be the chief source of difficulty during World War I: "public opinion is at once the chief safeguard of a democracy, and the chief menace to the real liberty of the individual. . . . In a democracy there is political freedom, but there is likely to be a tyranny of public opinion." It went on to call the university "an inviolable refuge from such tyranny." Thus the subcommittee's main charge was to explain why this observation should no longer apply now that the United States had entered the war.[34]

The report based the argument against the function of the university as a refuge during wartime on two separate claims: first, that the state had the right to restrict civil liberties in times of war, and second, that universities should enforce these restrictions and others by disciplining professors. Because the first claim is much broader than the issue of academic freedom, the full scope of the argument will not be rehearsed here, except to note that the establishment of the American Civil Liberties Union (ACLU) in 1920, which opposed these restrictions on civil liberties, was in part a response to the failure of the AAUP to defend professors who had been dismissed. The ACLU subsequently established a committee on academic freedom in order to address these concerns itself. The AAUP's report enumerated restrictions of civil liberties that it posited as appropriate and applicable to professors in particular, such as "to refrain from propaganda designed, or unmistakably tending, to cause others to resist or evade the compulsory service law or the regulations of the military authorities" and not "to dissuade others from rendering voluntary assistance to the efforts of the government." The latter restriction, the report pointed out, should be observed even if "not expressly forbidden by law."[35]

The second claim of the report, that universities should discipline professors to enforce restrictions to civil liberties even if the faculty member had not been convicted in court, is of more direct relevance to theories of academic freedom. To establish this claim, the report resorted to almost directly contradicting the 1915 report on academic freedom. Although acknowledging that, as the 1915 report had argued, universities should not be held responsible for extramural activities of professors, the report stated, "when a teacher's activities are clearly contrary to the law, and manifestly threatening to the public safety in a time of special peril, an institution which should

retain him in office would clearly involve itself to some extent in complicity in those activities." This statement stands out as the clearest retraction of the association's principles in the report. As the end of the war was almost immediately followed by further restrictions to civil liberties in the course of the first Red Scare and the Palmer raids, claims of "special peril" would multiply, as did dismissals of professors throughout that time.[36]

The report specifically established the expectation that professors should be informed in advance of extralegal restrictions imposed upon them by a governing board that relate to unpatriotic utterances, and that they should continue to be entitled to a judicial hearing before dismissal by a faculty committee or a joint committee consisting of faculty and trustees in cases where summary dismissal was not called for in the report. But it also noted that professors could be suspended from duty in certain cases pending the outcome of a trial against them.[37]

The report addressed Cattell's dismissal in addition to the general principles, although it named neither Cattell nor Columbia. The report commented on the recent dismissal of "a distinguished man of science" from "an important university." The main assessment of the case was that "it is a grave abuse of the power of dismissal when it is used to deny to members of university faculties the enjoyment of their fundamental constitutional rights as citizens; and an institution in which dismissal is possible upon such a ground as was officially put forward in this case is one in which adequate guarantees of academic freedom are manifestly lacking."[38]

Given that Cattell had petitioned a member of Congress to vote in favor of a particular law that related to the draft, the subcommittee had to find a rationale to distinguish his action from one that the report had directly prohibited, namely, "to cause others to resist or evade the compulsory service law." The report simply posited "a plain difference" between criticizing a bill that had not been enacted and stating that others should "disobey or evade or render ineffective" a law that had been enacted. Finally, the report explicitly disavowed any judgment on the validity of the separate conclusions of Seligman's committee that Cattell should be retired.[39]

The Fourth Annual Meeting

The subcommittee report was completed shortly before the fourth annual meeting, held in Chicago, and it was presented for approval there before being forwarded to Committee A. Neither Lovejoy nor Young attended the meeting, and University of Chicago zoology professor Frank R. Lillie, a member of Committee A, presented the report. Upon the motion that the

report be approved, University of Chicago classics professor Elmer Truesdell Merrill expressed disagreement that the meeting should sanction the dismissal of faculty members over their opposition to the war and offered the substitute motion that, while approving the report generally, the association "refrains from approval of formal academic discipline . . . visited upon delinquents on charge of improper criticism of war measures in addition or in place of governmental prosecution." As Tyler wrote to Lovejoy later that night, Merrill "rendered a service which he did not exactly intend" by offering the substitute, as his motion was objected to so strongly that the subcommittee's report "was adopted with only Mr. Merrill dissenting."[40]

The opposition to Merrill's motion was indeed strong. While Lillie simply noted on behalf of Committee A that the investigation of the numerous dismissal cases that had already occurred required the establishment of principles to employ in the investigations, Ohio State University philosophy professor Joseph A. Leighton stated categorically that the association had "no business to make a fetish out of academic freedom and academic tenure." A speaker expressed concern for the "future influence" of the AAUP if it failed to approve the report. The future influence of the association was clearly an important concern of the membership, as it had been for Lovejoy, except that it was now invoked in order to avoid involvement in cases. No one spoke out in favor of Merrill's substitute. The meeting further adopted the following resolution addressed to US President Woodrow Wilson by a "rising vote":

> The American Association of University Professors in annual meeting assembled in Chicago hereby expresses to you its hearty and grateful approval of the course you have pursued in calling the nation to arms against a foe who has ruthlessly violated the rights of law-abiding and peaceful peoples. Many of our members have voluntarily entered the service of the country, eager to do their part, and many more are ready to answer any call that may come to them from the nation in this great emergency. We pledge to you, individually and as a body, our loyal support in the stern task confronting you, convinced that under your wise and firm leadership the conflict will be carried to a successful issue, to the everlasting honor of the Republic.[41]

In addition to the special report of the subcommittee, Lillie presented a report by Committee A, written by Young. Its primary objective was to propose a change in focus of the committee's work, from a focus on academic freedom toward a focus on tenure and, as discussed in chapter 8, its proce-

dural aspects. Young defended the proposed focus on the security of tenure against claims by Columbia University president Butler that "competence and loyalty [to the university] are more desirable" than security of tenure by responding, "as for insecurity of tenure, it has sometimes purchased loyalty of an unenviable sort, but it has never purchased competence." Acknowledging that security of tenure came at a cost, specifically that some faculty members may be retained who perhaps should not be, Young pointed to the importance that security of tenure placed on being discriminate in appointing qualified professors. It was thus preferable that selection should occur before and not after the conferral of a rank with tenure. Furthermore, Young asked, what evidence was there that "the weeding-out process will be any more thoroughly and wisely done where tenure is deemed to be at the pleasure of the legally-constituted administrative authorities?" In the end, Young asserted what has been a mainstay of the AAUP's view of tenure: that freedom from the "menace of arbitrary dismissal" is more important than administrative ability to remove faculty "deemed to be unsatisfactory." The AAUP has also regularly maintained Young's stated rationale: "the right of security of tenure must . . . be judged . . . by its value to the cause of scholarship and teaching, and to the interests of society as a whole."[42]

University of Kansas history professor Frank H. Hodder was the only member of Committee A to dissent from either Young's Committee A report or the report on academic freedom in wartime. That Hodder dissented is acknowledged in both reports, but the reasons for his dissent appear only in the Committee A report. Among other reasons, he viewed the decision to change the focus from academic freedom to tenure to be "unwise" and was concerned about the retention of incompetent professors. Although Hodder did not explain why he thought the decision was unwise, his dissent on the subcommittee report suggests that he saw a relationship between publicly declaring that academic freedom was to be subordinate to academic tenure and modifying the scope of academic freedom in wartime.[43]

Hodder wrote a detailed letter to Young dissenting from the subcommittee report, but the reasons he provided did not appear in the report. As Hodder wrote, he strongly disagreed with the sentiment that civil liberties should be restricted in wartime. He particularly questioned the distinction drawn between Cattell's action, which the report had sanctioned, and advocating against the compulsory service law after it had been enacted, which the report had not. Although the report only focused on the issue of the compulsory draft, Hodder noted, "if the wisdom of one act may not be questioned because it has been passed, then it follows that no other act may be discussed when once it has been adopted," which he called "a serious

denial of freedom of speech," adding, "the federal and state constitutions . . . do not contain the clause 'except in time of war'" next to provisions that guarantee such freedoms. Finally, Hodder turned to the issue of faculty being disciplined by their institutions, to which he simply remarked, "I am not ready to proscribe and destroy those of my colleagues . . . who cannot agree with me." Recognizing the inability of faculty to obtain subsequent appointments under these circumstances, Hodder found that "the dismissal of a college professor upon the grounds of disloyalty amounts to destruction."[44]

Hodder and Merrill were not the only critics of the report. *The Nation*, which like the *New Republic* was highly supportive of academic freedom, published a scathing critique of the association's retreat, to which Lovejoy replied in a letter to the editor.[45]

The Luckey Case

Cattell's case was to remain the only disloyalty case over which Committee A officially issued a condemnation. Following the approval of the report, Young resigned as chair of Committee A. It again proved difficult to find a new chair, particularly because professors throughout the country were engaged in war work. Frank Lillie agreed to serve as acting chair some time in the spring of 1918. He resigned in January 1919, after which the same difficulty arose again. Lovejoy served as acting chair while president of the AAUP in 1919 and continued in that role until early 1920, when Northwestern University economics professor Frederick S. Deibler agreed to serve as chair. Throughout this critical period in the history of academic freedom, Committee A did not have a regular chair, and, at a time when the AAUP did not employ staff to handle academic freedom cases, it was the chair of Committee A in particular who had significant responsibility for case work. This fact, in what was already a politically difficult situation, contributed to the lack of action on the part of Committee A throughout the period.[46]

In May 1918, the chapter at the University Chicago passed a resolution expressing the sense "that the Committee on Academic Freedom be given assurance that it has the backing of the Association in protesting against the discharge of professors without warning, without statement of cause, and without their being heard in their own defense." This is the only known instance of a chapter encouraging Committee A to investigate the cases that were continuing to occur throughout 1918. The Chicago chapter had among its members botany professor John M. Coulter, who then served as national AAUP president; Lillie, who began to serve as acting chair of Committee A

around that time; Merrill, who had offered the substitute motion at the annual meeting; and dean of the divinity school Shailer Mathews, who served as chair of the AAUP's committee on patriotic service. Nothing beyond the text of the motion, which was printed in the *Bulletin*, is known. In spite of the chapter's prominent membership, the motion had no effect on the investigative activities of Committee A. Lillie did inquire about the case of Walter Lichtenstein at Northwestern University in June but admitted that it was unclear whether anything could be done, as he had already resigned.[47]

One case that received significant attention during the summer of 1918 was the public trial of eleven faculty members by the regents at the University of Nebraska, including that of education professor G. W. A. Luckey. Luckey actively sought his case to be taken up by Committee A in 1920, and the correspondence with Luckey and among members of Committee A gives some insight into their rationale for not taking up any of the wartime disloyalty cases.

Luckey's case was rather typical, although the scale of the efforts at Nebraska to investigate disloyalty was somewhat more unusual. The Nebraska State Council of Defense, Nebraska's version of Minnesota's Commission of Public Safety, stated publicly in July 1917 that "several professors of the state university have so persistently given encouragement, publicly and privately, to those who are out of harmony with the American cause that the council deems it necessary and proper to publicly register protest against these practices." In response, the governor issued a statement declaring, "during war there can be no such thing as academic freedom." While the regents initially resisted an investigation of its faculty, after the State Council sent a letter to the regents in April 1918, they agreed to the State Council's demands and scheduled public hearings for eleven faculty members who stood accused by the council, including Luckey, who was under suspicion for making the statement at a high school commencement address that the war was "not my war."[48]

At the trial, which received extensive coverage in the press, a representative of the State Council acted as "prosecutor" and presented evidence against the accused professors. In a letter to the editor of *The Nation*, one scene of the trial was described: in order to demonstrate that Professor Henry Blumberg was insufficiently enthusiastic in his support of the war, the State Council representative asked the professor, "Have you ever at any time in your classes presented your country's cause for being in the war?" The answer was "Never. I teach mathematics." The letter went on, "yet, largely on the basis of this answer, the prosecution demanded the dismissal of the professor, arguing that no 'red-blooded, one hundred per cent' American could

teach any subject for months after war was declared without addressing his students on their duties."[49]

Luckey was confronted with the statement attributed to him at the commencement speech as well as other statements. In his defense, he explained that he had been quoted out of context and that what he had actually said was that "I could not conscientiously fight and die in the trenches in a war which I had nothing to do in creating and was not absolutely convinced of the righteousness of the cause." To this the State Council representative replied, "no more seditious remark ever fell from the lips of misguided, bigoted pacifism."[50]

Following the trial, the regents declared that the State Council had failed to demonstrate that a single case of disloyalty had occurred. It nevertheless demanded the resignations of three faculty members, including Luckey, who was found to have caused public criticism of the university with his remarks. Professor Blumberg, who taught mathematics, was not dismissed.

In 1920, Luckey contacted Lovejoy, who was still serving as acting chair, and sent him extensive documentation regarding his case. Noting that the AAUP did not investigate every case for which it received requests, Lovejoy explained that it had already authorized two investigations for 1920 and had received requests for three in addition to Luckey's. Lovejoy further explained:

> Committee A has already decided that it will not, except for extraordinary reasons, now authorize investigations upon any of the wartime cases, of which 6 or 7 were reported to it. It was impracticable during the war to get Committees of Inquiry for such cases, on account of the pre-occupation of the members of the association with other duties. In view of the new cases which have since come up, involving issues less exceptional than those of the war, the presumption is strongly against the revival of any of the cases of 1917.

Lovejoy echoed Young's report when he commented that Luckey had in fact received a hearing: "the question of procedure is in a sense more important than that of the actual decision reached." And so he informed Luckey that he was advising Committee A not to take up the case. Luckey pointed out in response that although he had been provided with a hearing, he had in fact been found innocent there, and was then dismissed in spite of the verdict. Nevertheless, Lovejoy stood firm in his recommendation to the committee not to pursue Luckey's case. The replies Lovejoy received from members of Committee A indicate universal agreement. Hodder, who had dissented from both reports in 1918, remarked, "Luckey's case is not the

most meritorious of the war cases. I do not see how we could go back to any of them without going back to all of them if requested. On the whole I think it's both too late and unwise to go back to any." And thus Luckey's case was turned down for investigation.[51]

Lovejoy's claim that it had been "impracticable" to investigate cases in 1917 and 1918 is certainly plausible, and in fact no reports were published in 1918. In November 1918, Lovejoy responded to Cattell's request for further investigation of his case that Lovejoy's support for the war efforts was taking up too much time to follow up on his request. Yet, between 1919 and 1922, seven investigative reports were published, covering cases that had occurred in 1917 (three cases), 1918 (one case), and 1919 (one case). None of these investigations were related to charges of wartime disloyalty. It was clearly a choice of expediency rather than economy to select these rather than the "wartime cases." The only case related to World War I that the AAUP actually took on as an investigation occurred in 1921 and was reported on in 1924.[52]

The Extent of the Dismissals

As Carol Gruber points out, the assessment of academic freedom on the basis of known dismissals is misleading because it misses some dismissals (those that did not become publicized), nonreappointments, or resignations under pressure. Gruber lists about twenty cases of publicized dismissals during World War I, which in historian Ellen Schrecker's words are most likely just "the tip of the iceberg." Gruber points in particular to a report by the AAUP's Committee on Patriotic Service, which in 1918 administered a survey to institutions with AAUP members, as evidence that there was a dark figure of dismissals. The survey had a large number of questions about the impact of the war on the operations of universities. It concluded that "a considerable proportion of the institutions state that professors were discharged or that they resigned because of pro-German sympathy." But the report gave no indication of what its authors thought constituted "a considerable proportion."[53]

The responses to the survey, which was sent to individual AAUP members in late 1918, offer a better view of the picture. Shailer Mathews, the chair of the Committee on Patriotic Service, kept them in his personal files after the work of the committee was concluded. The relevant survey question for the purpose of this discussion is "Were any professors discharged because of pro-German sympathy?" In analyzing the data, the form of the question presents some difficulty. Respondents at institutions where faculty

had been discharged over, say, their expressed pacifism could reasonably answer the question in the negative. In addition, if a professor had resigned rather than being discharged, respondents could again claim that no such discharge had occurred. In many cases, respondents annotated their answer to this question with further detail if they answered it affirmatively.[54]

At the beginning of 1919, the AAUP had members at 143 institutions. A total of fifty-eight respondents provided an answer to the question, of which forty-four (76%) answered "no." The remaining fourteen (24%) provided a range of affirmative responses. One explained that a faculty member had been "encouraged to withdraw and did so," one responded that pro-German sympathies "made continued work of one impossible," and one listed "4–5 instructors" and "one assistant professor" who had apparently been dismissed. An equal number of public and private institutions answered affirmatively. The responses represent a total of at least twenty-two faculty members. None of the responses that identify the institution (one does not) are from the institutions listed by Gruber, roughly doubling the size of her estimate. On the other hand, in a representative sample, three-quarters of institutions responded that no dismissals had occurred, keeping in mind the methodological provisos mentioned above.[55]

One distinctive fact about the relatively well-known disloyalty cases is that a number of the dismissed professors were charter members of the AAUP, and thus fairly senior and well-respected professors. Cattell, Nearing, Luckey, Schaper, and Eduard Prokosch, who was dismissed in 1919, were charter members of the AAUP.

The Aftermath of the War

Comparing the period of time before 1917 to the time after, Scott Nearing described the "roseate days before the war, when nonconformity was less severely punished" than after the war. This assessment is quite striking, given that Nearing was dismissed from Pennsylvania in the roseate days. He further noted that "before 1917 there had never been any widespread inquisition into the opinions held by teachers in the United States," but the war "gave the educational authorities a chance to clean house." Faculty members who had been accused of radicalism now were considered "pro-German." While "suppression and coercion of opinion were accepted" on account of the state of war, Nearing observed, "the war did not last long," and once it was over, the government was "in pursuit of the 'Reds,' " and thus the wartime restriction on civil liberties continued. Nearing went on, "had the exigencies of the war been the real cause of academic coercion,

with the winning of the war the coercion would normally decline and ultimately cease." But Nearing pointed out that it did not cease. The reason Nearing cited for the continued academic coercion was that the war had empowered business leaders to dominate public interests and use education as a tool to direct and control public opinion. Regarding the extent of this coercion, the ACLU claimed in 1931 that, in the decade following the war, "more college professors have been dismissed or disciplined because of their views than in any other decade in our history."[56]

With the end of the war, the AAUP did not suddenly take up the cases of faculty accused of disloyalty or "bolshevism" and did not retract the central claims of the wartime report. In 1920, secretary H. W. Tyler published an article on academic freedom in which he compared hypothetical examples of utterances by professors that were and were not protected by academic freedom. Two examples of utterances that he claimed were *not* protected were "Professor D in a state university disapproves of war so strongly that he counsels his students to evade the draft; Professor E in a sectarian college makes public profession of atheism." Implicit in the contrast between these two examples is an analogy: the AAUP had accepted that sectarian institutions may restrict academic freedom, and thus the demand for loyalty, especially at state institutions, was compared to a previously accepted limitation on academic freedom.[57]

During the first Red Scare, Committee A investigated only one case, at Middlebury College, in which accusations of socialism played a role in the resignation of a faculty member in 1919 and found in favor of the institution, although Lovejoy inquired into the case of University of Texas German professor Eduard Prokosch, who had been dismissed in 1919 over questions of loyalty. The main accusation against Prokosch was that in a textbook he had compared a legislative body representing German states to the federalism of the United States, over which the State of New York had banned his book from use in public schools. In July 1919, the Finance Committee of the Texas State Senate called for his dismissal while considering the abolishment of the teaching of German in all state-supported schools. The president noted to the board that Prokosch had offered his resignation but requested to continue to be employed in a nonteaching capacity until the following year, as it was too late at that point to find another academic appointment. Yet the board did not grant his request and dismissed Prokosch outright.[58]

Prokosch requested to be provided an official reason for his dismissal, clearly out of concern over future employment. He also sent a mimeographed letter to a number of colleagues in order to explain the circumstances of

his dismissal. The board subsequently acceded to his wishes and passed a resolution noting that rumors over his loyalty, criticism over his textbook, and the "growth of public opinion" had created an "intolerable situation." It went on to state that the board did not believe it would be in a position to make charges against Prokosch for disloyalty, but that his dismissal "was necessary in view of the state of public opinion and for the best interests of the University."[59]

The National Federation of Modern Language Teachers Associations published an appeal to the AAUP in its journal asking the association to investigate the case. Following the appeal and a similar one from faculty at the University of Chicago to the association, Lovejoy wrote a "sharply critical" letter to President Robert Vinson over the case. But Lovejoy was undercut by the University of Texas AAUP chapter, which approved a resolution calling the public appeal on behalf of Prokosch "misleading and unfair to the University of Texas." While acknowledging that there had been "regrettable features in the Board's method of procedure," the chapter stated that there were "mitigating circumstances" and that the board's behavior was "not typical of the relationship" between the faculty and the board. It further endorsed the response of the president to Lovejoy. Committee A did not take up the Prokosch case.[60]

The AAUP, the Professoriate, and World War I

That the AAUP did not investigate the many wartime academic freedom cases is perhaps more striking from the subsequent perspective of the association as existing for the primary purpose of defending academic freedom. When viewed in light of its original goal to further the professionalization of the professoriate and to serve as its collective and influential voice, however, it is perhaps less striking. While Lovejoy was initially concerned over losing influence for not taking up these cases, the widespread hyperpatriotic response to US entry in the war made it instead more likely to lose influence for taking them up. As Carol Gruber has observed, the AAUP failed to act "in part because the organization identified itself totally with the government's purposes in the war and felt obliged to forestall even the most contingent threats to those purposes." That reason, in turn, was partly based on the total identification of many of its members with the government's purposes, which reflects the commitment of the larger professoriate, documented by Gruber. The almost unanimous support for the report on academic freedom in wartime, the apparent lack of advocacy by local chapters on behalf of dismissed colleagues, and, in one known instance, the de-

fense of an arbitrary dismissal by a local chapter must have conveyed to the association's leadership where its membership stood.[61]

Even though, according to Gruber, support of the war was "basically a matter of political judgment," both the professoriate and the association benefited from this support. In fact, the benefit the association accrued would have been endangered had it decided to oppose the prevailing sentiments of the war, which should be considered among the reasons for its support. The support of individual faculty members for the war promoted the social standing of professors, who found opportunities to serve as experts in a variety of government activities, and the support of the association brought it recognition as the representative voice of the profession, a role it had sought since its inception. In January 1918, a group of representatives of educational associations formed the Emergency Council on Education to promote "a more effective practical co-operation for war purposes." Later that year, its name was changed to the American Council on Education (ACE). The ACE was intended to serve as coordinating body of the different educational associations, and the AAUP was invited to membership from the start. Given that the ACE emerged as a central standardizer through its efforts on accreditation in the first twenty years of its existence, the AAUP's recognition meant that it had achieved its early goal of faculty involvement in efforts to standardize higher education. Furthermore, its membership in the ACE would bring about efforts to formulate a statement on academic freedom that had the support of other educational associations so as to hasten its adoption at a large number of institutions. The result of these efforts would be the 1925 *Conference Statement on Academic Freedom and Tenure*.[62]

John Dewey's advocacy for the war over his expectation that it would help further the goals of the Progressive Era movements is widely known. As a result of the involvement of academics as experts in government, Dewey hopefully expressed the expectation that "the social mobilization of science is likely in the end to effect such changes in the practice of government and finally in its theory as to initiate a new type of democracy," which of course had been a long-standing goal of the Progressive Era. It was Dewey's former student, the author Randolph Bourne, who took strong exception to the support of the war by intellectuals in the name of democracy and prophetically warned of the dangers associated with that support. Writing about the fact that war support had originated with the "richer and older classes of the Atlantic seaboard," Bourne remarked, "only in a world where irony was dead could an intellectual class enter the war at the head of such illiberal

cohorts in the avowed cause of world-liberalism and world-democracy. No one is left to point out the undemocratic nature of this war-liberalism. In a time of faith, skepticism is the most intolerable of all insults."[63]

Bourne predicted that the wartime support would conjure forces that the intellectuals would not be able to control, and much of Gruber's book is dedicated to documenting the "professional price" that the professoriate paid for its support. She analyzes, in particular, the loss of professional detachment because of their role as propagandists; the loss of academic freedom, also documented here; and the loss of institutional autonomy owing to the militarization of campuses that occurred during the war. But the war and the subsequent Red Scare also saw the end of the AAUP's original goal of university reform and led to an acceptance of governing boards as the final institutional authority. As John Dos Passos wrote in 1932, about the impact of the war on the Progressive Era in his description of Randolph Bourne, "The rainbowtinted future of reformed democracy went pop like a pricked soapbubble."[64]

Postscript: Seligman and Cattell

In addition to the verdict of Committee A over Cattell's dismissal in the report on academic freedom in wartime, a special committee was appointed in 1919 to report specifically on the fact that Cattell had been deprived of his pension, which the committee decried as compounding the punishment upon him. Cattell maintained his AAUP membership following his dismissal, but he was briefly ineligible for membership in 1920 because he had not been affiliated with a university for over three years. Because of a change in membership criteria, he was allowed to rejoin in 1921. Immediately following his reinstatement, Cattell would cause a minor constitutional crisis.[65]

In 1920, the term of presidents was lengthened from one year to two, and Princeton University classics professor Edward Capps was elected president. But he resigned over his appointment as minister to Greece by US President Woodrow Wilson midyear. The vice president, Stanford University entomology professor Vernon Kellogg, was serving on a one-year term, however, and because the constitution had no provision on succession, he served as acting president for the term of his vice presidency. At the annual meeting at the end of 1920, no willing candidate to serve the remaining term of the presidency could be found. Thus the office remained vacant, and the annual meeting delegated the authority to elect a president to the council. The council eventually convinced Seligman to serve, an arrangement that did not sit well with Cattell.[66]

Cattell had decided to pursue a libel case against Columbia almost immediately after his dismissal, for which he repeatedly threatened to subpoena Seligman. In 1920, Cattell had written to Lovejoy, "as far as I am personally concerned, I resented much more the actions of Professor Seligman and his committee than that of Butler and his trustees. But I realize that I am almost helpless as to the former." Seligman's election provided what can only be described as an opportunity to retaliate. In March, Cattell protested the election on the grounds that it had been unconstitutional and also that it would place the association "in a most unfortunate situation" because of his ongoing legal battle with Columbia for which Seligman might be subpoenaed. Seligman and Tyler requested the advice of Columbia University law dean and later US Supreme Court Chief Justice Harlan Stone, who concurred with Cattell that the election had violated the constitution. Seligman offered to resign but subsequently decided to leave it to the council to interpret the relevant provisions of the constitution. The council decided to keep him in office for the remainder of his term. The following year, the constitution was amended to provide for succession and appointment by the council in case of vacancies. In response to a letter by Lovejoy pointing out that Cattell appeared to be acting primarily on the basis of personal resentment, Cattell denied the accusation, stating, "I certainly want to do all in my power to make the association, which I first proposed and with [sic] you and Dewey accomplished, a useful force in university affairs. For that reason it is both my right and my business to oppose any election or any action which I believe to be subversive to the interests of academic teachers." Cattell, somewhat meekly, claimed that he would not have protested Seligman's election had he known that it was only to fill out the remaining term of Capps. He ceased his protests thereafter.[67]

The following year, Cattell settled his suit against Columbia for the payment of his pension, including for the years preceding his dismissal. The trustees did not revoke the dismissal so as to retroactively retire him, however, which he had requested. The exchange between Cattell and the trustees was published in full, over Tyler's objections, in the *Bulletin*. Cattell continued to maintain his membership, and in 1929, he was made an honorary member of the AAUP, the category of membership reserved for emeritus faculty—and presidents.[68]

CHAPTER TEN

Academic Unrest

The first year after the end of World War I was marked by widespread labor unrest throughout the United States. By some counts, there were as many as 3,600 strikes involving 4.2 million workers in 1919 alone. Both in the wider labor context and within the professoriate, high inflation was at least partially responsible for unrest: between 1914 and 1920, prices more than doubled. The teaching profession appears to have been particularly hard hit. Although concerns over faculty pay were frequently voiced throughout the beginning of the twentieth century, such concerns became more pressing. Real salaries fell by about a third for the professorial ranks and by about a quarter for instructors between 1913–14 and 1919–20. Academic salaries also dropped relative to other areas of employment; for instance, the ratio of instructors' salaries to auto workers' salaries fell from about 1.25 to 0.9 between 1913 and 1920. The ratio of presidents' salaries to professors' salaries at public institutions in 1920 stood at about 2.0 and at private institutions at about 1.7, which caused additional consternation. The economic situation of professoriate was thus imperiled in 1919, both in absolute and in relative terms. Adding to these difficulties, enrollment in higher education increased by about 40% between 1918 and 1920, while the number of faculty increased by only 17%.[1]

Speaking in 1920, Samuel Capen, director of the ACE, warned of a loss of current and prospective professors to industry, adding that it was not surprising that "the sudden relative decline of the salaries of professors from their already low estate, combined with the increasing opportunities for scientifically trained persons in other fields, should bring about a reduction in the number of individuals preparing to become university teachers." That same year, US Commissioner of Education Philander Claxton organized a

conference of citizens—"men and women of affairs, ministers, lawyers, publicists, business men, merchants, captains of industry, farmers, representatives of labor unions, women's clubs, and others"—to address the "national crisis in education."[2]

In 1919, Arthur Lovejoy served as fifth president of the AAUP. Recognizing the importance of the recent developments, Lovejoy addressed the membership in November and announced the appointment of the Committee on the Economic Condition of the Profession, chaired by A. A. Young. Acknowledging the impact that higher education had on the development of modern society and the apparent significant shortage of future professors, Lovejoy noted that "the question of professorial salaries . . . no longer concerns merely the private interests of teachers; it has come to be—I choose the words with careful consideration—among the most critical and most pregnant questions of general social policy."[3]

The association had up to that point avoided addressing salary concerns in order not to appear to be concerned with advocating primarily on behalf of the interests of the profession itself. And so Lovejoy pointed to the wider social aspects of the problem in order to justify the change in focus of the association. The year 1919 was an active one for the AAUP. In addition to the continuing work on academic freedom, the association formulated its first report on college and university governance, published in 1920; negotiated with the Carnegie Foundation over the establishment of TIAA; and made significant changes to its internal operations, including conditions for membership and the representation of chapters at the annual meeting.

The Impact on Governance Reform

The term that received significant currency in 1919 was "academic unrest." In a letter to Harlan Stone, University of Wisconsin psychology professor Joseph Jastrow wrote, "I asked one of the prominent weeklies whether they would care for an article on 'The Academic Unrest.' I just have a reply: Prepare it immediately." In the article, Jastrow considered the causes of the "widespread and serious" unrest to be the Carnegie Foundation, which had just presented a detailed and highly contested proposal for the operations of TIAA, and more broadly the existing system of governance in higher education, noting "it is not the trustee or the president who is directly and personally responsible for academic unrest; it is the manner in which the functions of these and allied positions have been permitted to develop." Explaining his views to Stone further, Jastrow wrote, "In other words the situation which Pritchett has precipitated is part of a bigger one. It is now or never

for the professor to indicate that he is vertebrate or resign himself to the presidential guidance and the subordinate position of an employee."[4]

In his article, Jastrow invoked the goal that US President Woodrow Wilson had set for the war effort—to make the world safe for democracy—and the increased social standing of professors as a result of the contribution that the professoriate had made toward that effort when he observed, "Having been found of service outside of the university in so many phases of war activities, it may be that professors will even come to be esteemed at home and accorded some control over the affairs they know best. . . . But, the difficult situation remains that it is only by divesting themselves of authority that trustees and presidents and deans can serve the cause of learning. It is they who must be convinced that the universities may be made safe for democracy."[5]

The year 1919 brought several developments in institutional governance, the importance of which could not have been lost on faculty, presidents, and trustees. Three in particular should be pointed out. At both the University of California and Reed College, instead of appointing an interim to replace a departed president, the governing board appointed a committee that included faculty among its membership. While the experiment lasted for only a few months at Berkeley, it lasted for two years at Reed. The third event was the dismissal of John E. Kirkpatrick, professor of history and political science, from Washburn College. Following a dispute with Washburn president Parley P. Womer, Kirkpatrick outlined his general views of academic governance in a letter he sent to Womer. Shortly after, he was dismissed. Kirkpatrick would remain one of the most outspoken critics of the prevailing university order throughout the 1920s.[6]

Kirkpatrick's letter was subsequently published in Cattell's *School and Society* under the title "The Why of Academic Unrest." Calling the existence of lay governing boards "an accident of history or a bungle of the law makers," Kirkpatrick wrote, "Either the board must become a House of Lords possessing only nominal power or it must become a House of Commons elected by the college and its constituency, thus making the president the responsible leader of the college rather than the agent of an irresponsible board." The report of the AAUP's committee to investigate Kirkpatrick's dismissal, chaired by Lovejoy, determined that a governing board, such as the one at Washburn, "was not altogether likely to look with favor" upon such a suggestion. In fact, the broader response by presidents and trustees to proposals to change the balance of power in the university at that point betrays a sense that the existing order was seriously under threat. For example, a trustee of the University of Illinois expressed the view that he had

been invited to speak at the inauguration of the president of the University of Michigan in 1920 "presumably as a museum specimen of a species that is fast becoming atrophied." In some measure as an act of self-defense, a meeting of regents of state universities at the same event led to the establishment of the Association of Governing Boards of State Universities and Allied Institutions in 1923. Even Harvard president A. Lawrence Lowell, who led an institution widely recognized for the role it allotted to the faculty in its operations, felt compelled to defend the existence of lay governing boards in 1920.[7]

Lovejoy's 1914 proposals for governance reform had already been characterized as "extreme" at a meeting of the AAC in 1916, but now that the country was in the middle of a widespread Red Scare, by 1919 presidents and trustees resorted to red-baiting in order to defend the existing order against proposals to democratize the university. Their tactic was precisely the same one employed by any number of antireform movements, which used "the issue of radicalism as a whipping boy for their own special purposes." That is, given the sudden widespread concern over the possibility of a Communist revolution, it became the preferred strategy of reactionary forces to paint reform movements as being Communist in nature.[8]

For instance, Washburn's president Womer responded to Kirkpatrick's suggestions in a meeting with a group of faculty members by remarking that the businessmen who supported Washburn "would be quick to resent any appearance of 'Bolshevism' in the administration of the college." Discussing the "salary problem" that received so much attention during that time, Charles Sommers, a regent of the University of Minnesota, noted "the growing radicalism in our schools and colleges," adding that "whole groups of teachers have joined the American Federation of Labor," a development that would also affect the AAUP during that year. As an indication how much the sentiments of the Progressive Era were evaporating, in stark contrast to Seligman's description of the "healthy discontent which is the first condition of progress," Sommers commented on the source of academic unrest that "just how far this situation is traceable to inadequate salaries is hard to tell; at any rate, low salaries have ever been a fruitful source of discontent, which is always the fore-runner of radicalism." In November 1919, Ohio State University president William O. Thompson spoke at the meeting of the National Association of State Universities on the "changed economic conditions" for higher education. Referring to the desire of the professor for increased participation and control in university government, Thompson observed that "the heart of the movements known as Sovietism, Bolshevism, Socialism, Syndicalism, and, in fact, all the so-called democratic movements

is clearly a desire for participation and control." Calling proposals for the "collective management" of universities by the faculty "academic socialism," Thompson called for increased faculty salaries in order to maintain the existing order.[9]

In a disputed episode, the AAUP believed itself to be the subject of red-baiting. In February 1919, Lovejoy wrote to Henry Pritchett of the Carnegie Foundation in response to reports that Pritchett had stated during an address given in Chicago that "he had dealt with various Bolsheviki and I.W.W. [Industrial Workers of the World] organizations in his time but that he had never had to do with one which was so insistent upon controlling everything as [the] Association." Pritchett was at the time in the middle of a rather contentious battle with the AAUP's pension committee over the organization of TIAA. Lovejoy asked Pritchett whether he wished to disclaim the report, and Pritchett sent a stenographic transcript of his remarks, which in fact did not contain any such statement about the AAUP. Lovejoy did not pursue the matter any further, although he remained suspicious over the absence of a reference to the AAUP of any kind in the transcript.[10]

It was in this context that the AAUP's first policy statement on institutional governance was formulated, although the establishment of a committee to formulate such a policy statement had predated the war.

The Place and Function of Faculties in University Government and Administration

While a committee on the methods of appointment and promotion was among those established at the organizational meeting in 1915, no committee to comprehensively consider matters of governance was established at that time or among the sixteen committees that Wigmore established in 1916. But the third annual meeting did approve a resolution to establish the Committee on the Place and Function of Faculties in University Government and Administration upon the request of the University of Cincinnati chapter and assigned to it the letter T. Following the meeting, the council distributed a form to solicit nominations for committee appointments. Edward Ross, who was serving on the council, nominated James McKeen Cattell to serve as chair of Committee T, but the council instead appointed Ohio State University philosophy professor Joseph A. Leighton. It appointed Cattell as a member, but following his dismissal from Columbia, he no longer served on the committee. Apparently on Ross's nomination, Wellesley economics professor and later Nobel Peace Prize laureate Emily Greene Balch was appointed to the committee; however, she was also dismissed

over her opposition to the war and did not continue to serve on the committee either.[11]

Leighton's main qualification to chair Committee T appears to have been his service as chair of a committee to formulate a constitution for Ohio State University in 1915. Because charters and bylaws of governing boards usually only recognized the formal role of the governing board and not that of the faculty, a particularly popular approach to improving governance during that time was the development of written university constitutions to formalize matters of governance and tenure. Examples of such efforts include the University of Illinois beginning in 1911 and the University of North Dakota in 1916. The approach of explicitly codifying the role of the different constituents in the university, and thus justifying the choice of the word "constitution," strongly influenced the subsequent report of the AAUP's committee. Yet, as University of Wyoming president Clyde Duniway pointed out in a survey of state universities in 1916, only the constitution of the University of California could clearly be considered a constitution in any proper sense because a constitution should be "so solemnly adopted, and with such legal sanctions, that it cannot be abrogated or modified by the board which operates under it." This was simply not the case for the other university constitutions that Duniway reviewed, however, and so he suggested that in the absence of safeguards against unilateral modification by the board, the phrase "code of rules or regulations" should be used. Nevertheless, the term "constitution" remained popular.[12]

Leighton's committee at Ohio State completed a proposed constitution in February 1917, and in May, Leighton announced that the AAUP's committee had begun its work; he later published excerpts of the proposed constitution in the AAUP's *Bulletin*. The proposed constitution for Ohio State was clearly modeled on the one proposed at the University of Illinois in 1915, which had assigned fairly significant authority to the faculty, including faculty membership on the committee nominating the president and the determination by the senate of all "requirements for admission to the University and for degrees and certificates, curricula, and such new courses of study and changes in courses of study as involve considerations of educational policy or relations between colleges." Following the publication of an extensive, anonymous critique of the proposed constitution in the alumni magazine in 1915, objecting to what it saw as a transfer of power from the trustees to the president, its further adoption was abandoned at the University of Illinois. The proposed constitution at Ohio State had weakened some of the provisions found in the proposal at the University of Illinois. It did, however, require the Faculty Conference Committee to concur with the

nomination of the president. The final Ohio State University constitution, adopted in 1920, reduced the role of the Conference Committee from *concurrence* to *participation* in the nomination of the president. All three constitutions contained the exact same language regarding constitutional amendments, giving the board final authority to amend it, with a provision that the relevant faculty body be given an opportunity to consider any such amendment and make a recommendation on it.[13]

The council's choice of Leighton over Cattell to chair Committee T, in particular when considering Leighton's record at Ohio State, appears to have been a deliberate attempt to advance a compromise position on governance instead of a proposal for large-scale reform of university control.

The Committee T Report: 1920

Although Leighton began to solicit information from chapters about governance practices in 1917, the US entry into World War I delayed progress on the report, and most of the committee's work was completed throughout 1919 and in early 1920. A total of 110 institutions were surveyed, and the response rate for individual questions ranged from 40% to 50%. The report was published in March 1920, after Leighton led discussions at both the 1918 and 1919 annual meetings. It consisted of three parts: a discussion of problems and principles of governance, authored by Leighton; a list of recommendations, endorsed by the committee; and the results of the survey. As Lovejoy had noted when discussing his preferred approach to formulating the report on academic freedom, using a survey to begin the work was likely to present the committee with the wide range of existing practices, which in turn raised questions of how to distill recommendations from the results; in fact, the committee found a large variety of practices and was split on some of its recommendations.[14]

Leighton's preoccupation with constitutions can be seen throughout the report. Based on responses to the survey indicating that faculty participation in control of educational policy was based on statutory or constitutional provision in 38% of institutions even though it was by custom in 61% of institutions, Leighton noted that where "the substance of democratic faculty government is in operation," even in the absence of statutory or constitutional provisions, "there are usually to be found contented and progressive faculties. But without the legal form to protect it, the substance is liable to vanish with a change in administration." In several places, the language of the recommendations in the committee report overlaps with that of the Ohio State constitution.[15]

The survey found that while the participation of the faculty in the control of the educational policy was relatively well established, whether by law or by custom, faculty participation in other areas was found to lag. According to the survey, the participation of faculty committees in the appointment of faculty members occurred in only 29% of institutions, with 65% of institutions leaving the recommendation to the dean or department chair. In 6% of institutions, the appointment of faculty was based solely on the decision of the president. Faculty had a role in the appointment of department heads or chairs in 20%, of deans in 18%, and of the president in 13% of institutions. Only 35% of institutions had an official means of faculty-board communication. The role of faculty in budgetary matters showed widely diverging practices: in 40% of institutions there was no role at all for faculty participation, only 15% had a designated faculty committee on the budget, and the remaining 45% had a number of arrangements that included chairs, deans, or faculty members.[16]

Based on the results of the survey, Leighton drew the conclusion that there was a growing movement toward faculty participation "in the better class of institutions." In spite of the red-baiting by presidents and trustees, Leighton observed, "in every case where faculty self-government has been tried out for a term of years and under fair conditions, as notably for example at Oberlin and Reed Colleges, it has proved a signal success." While Leighton characterized the conditions at Reed as "democratic," only those at the rank of professor could participate in governance there. Although the report clearly argued in favor of increased faculty participation in governance, its enthusiasm for *self-government* was tempered. The references to Oberlin and Reed were not further reflected in recommending the extension of their practices in the report. In other words, while the report applauded democratic governance reform where it occurred, it did not fully recommend going that far. Outlining a continuum of governance arrangements that begins on the one end with complete autocracy, Leighton in his introductory comments described an "extreme democratic type" of government in which the faculty would make all decisions and the board was reduced to a "holding corporation," which would simply administer the property and income of the university under the direction of the faculty. Leighton expressed opposition to such a model of governance, saying that trustees were needed as "prudential officers" and that faculty would have to be "held formally or legally responsible to the body chosen as custodians of the public interest." Thus, rather than truly changing the balance of power in the university, governance should be based on "joint responsibility and control," with the distribution of emphasis on responsibility and control varying with

the particular aspect of the whole matter of the conduct of university affairs that may be uppermost in a given situation. The faculty should have more responsibility and control for educational matters and the board for financial matters, yet the board would still retain final authority over all matters—tempered by hortatory restrictions on the use of that final authority. This view of governance closely resembles the one that the AAUP would develop jointly with the ACE and the Association of Governing Boards of Colleges and Universities in 1966.[17]

In addition to endorsing the continued existence of governing boards as the repository of "final power" in the university, the committee issued a number of recommendations on a wide-ranging number of topics, including the relationship between the faculty and the governing board, the faculty and the president, and the faculty and deans; the role of the faculty in the determination of educational policies and in the preparation of the budget; and the government of departments. The committee specified the governing board's role in administering the financial interests of the university and holding the "consenting voice in the final determination of its educational policies," which reflected its emphasis on "joint responsibility and control." While the board's consent was specifically called for in educational matters with financial implications, the report discouraged the direct exercise of its "final power" in those matters. The committee did not obtain unanimous agreement regarding the mode of representation of the faculty to the board: a majority favored the establishment of conference committees; a minority preferred faculty membership on governing boards.[18]

The role of the faculty in the selection of the president was left in relatively vague terms. The report called for the "participation"—the term used in the final Ohio State constitution—of a faculty committee in the nomination of the president, yet left the final approval of the choice to the governing board. Given the results of the survey, even that would clearly have been a significant change over prevailing practices, but it fell short of the program of university reform advanced by Cattell and Lovejoy a few years earlier. The report similarly recommended the participation of the faculty in the appointment of faculty and administrative officers and in the preparation of budgets. The only area of faculty responsibility in which the report regarded the faculty's voice to be almost determinative was with respect to dismissals, which was the position the association had affirmed in the general report on academic freedom. The governance report called for the establishment of a judicial committee to hear charges prior to dismissals, with the provision that "failure to sustain the charges before the committee should stop dismissal." In general, although the report advocated the advancement of

faculty participation in government and further recognized advantages of actual self-government, it did not recommend a radical shift in the direction of faculty democracy.[19]

The report was first presented at the sixth annual meeting, in 1919. It was not voted on there, because the association now required wide distribution of reports among its membership before bringing them to a vote. At the seventh annual meeting, individual resolutions from the report were presented, but "the meeting preferred to pass no vote, even informally." It instead referred the matter for further discussions in chapters, "particularly in view of the necessary dependence on local conditions of a choice among the alternatives proposed." At the eighth annual meeting, seven resolutions that had been distributed to chapters were taken up for a vote, of which six were passed, including one that called for official "consultation" of the faculty in the selection of a president. A resolution calling for the faculty's participation in determining the general salary scale was tabled.[20]

Democracy and Governance in 1920

Warren G. Harding's election to the presidency of the United States in November 1920 was widely seen as an expression of the public's fatigue with reform. Speaking in May 1920, Harding summarized his platform as "America's present need is not heroics, but healing; not nostrums, but normalcy; not revolution, but restoration; not agitation, but adjustment; not surgery, but serenity; not the dramatic, but the dispassionate; not experiment, but equipoise; not submergence in internationality, but sustainment in triumphant nationality."[21]

That fatigue with reform found its expression in discussions of governance reform following the publication of the Committee T report. A fairly representative range of the views expressed at the time includes those of Committee T members Leighton and University of Kansas history professor Frank H. Hodder, as well as those of Kirkpatrick and Pritchett. Given that proposals for increased faculty involvement in governance throughout the Progressive Era had invoked "democratization" as the rationale, the meaning of that term became a focus of discussion, instead of taking it for granted as a widely shared goal. Hodder, who was a member of both Committees A and T and who had dissented from the report on academic freedom in wartime, had also been involved in the drafting of a university constitution and was considered "the boldest advocate of faculty democracy" at Kansas. Yet even Hodder acknowledged that "so many changes have been rung on the word democracy that it has been worn threadbare

and the public is getting tired of hearing it." And given concerns over what the actual goals of the movement for university reform were, Leighton observed, "just as charity covers a multitude of sins, so the term democracy covers a multitude of equivocations. It is a current shibboleth, and many of those on whose lips it is most often heard apparently have given but little consideration to its meanings and limitations."[22]

The tension in Committee T's report over endorsing, yet not fully recommending, democratic governance was reflected in the views expressed by Leighton and Hodder, who had likely been on opposite sides in the discussion within the committee. Leighton's criticism anticipated contemporary objections to the calls for "academic democracy," noting that the rationale for increased participation of the faculty in governance was that "the faculty is the most expert body concerned with the university administration." Leighton acknowledged that he was not arguing for "'pure' democracy," but rather, based on the expertise of the faculty, that "faculty participation in university government will bring increased self-respect, initiative and zest for their common work, to members of faculties; and, by attracting and holding able men in the profession, it will raise the level of university faculties and thus increase efficiency." Consistent with his opposition to "'pure' democracy," Leighton saw it as a natural consequence of his rationale that only those at the rank of professor should participate fully in governance, as they had demonstrated expertise.[23]

Writing in response to the accusation of Kansas dean Olin Templin that an appeal for democracy in university management was an appeal for "socialistic administration," Hodder defended democratization as a goal. Hodder agreed with Leighton, that a primary advantage of increasing the faculty participation in governance was that it made the profession more attractive, but he went further, observing "the war has opened a new chapter in the history of democracy," and thus "the doctrine that 'government derives their just powers from the consent of the governed' must everywhere come true." In addition to a call for democracy, Hodder saw as a particular advantage of the democratization of governance what the effect would be on the administration: "If there is complete cooperation between university executives and faculties in the determination of university policy, if all business is done openly and all accounts made public, grounds for suspicion and misunderstanding will disappear, executive officers will be strengthened and the burden of their responsibility will be lightened."[24]

And so Hodder made it clear that "no one proposes under existing American conditions to abolish the university president or the university dean." That, in fact, was only true regarding the official position of the

AAUP. Kirkpatrick, arguing from outside of the AAUP, succinctly summed up his program as "'presidentitis' can be cured only by faculty responsibility," and while he was willing to begin university reform by bringing about the faculty's "right of consent," his general view was that "the function of a faculty in a college is primary, permanent, and indispensable, that of an additional board is secondary, temporary, and it may be dispensable." Making no provisions for the apparent shift in the mood of the country, Kirkpatrick asserted, "the present irresponsible position of the faculty . . . is contrary to democratic principles and a violation of the practice in progressively organized churches, industries and civic bodies."[25]

At the other end of the spectrum was Henry Pritchett. Pritchett drew attention to the fact that American universities differed from their European counterparts in that the former's growth would continue to place significant emphases on financial administration and external relations with denominational and political bodies. According to Pritchett, "it seems clear that there must be a distinct body responsible for the government of the college as distinguished from the teaching body," with the responsibility of "the determination of questions of general policy, the appointment of teachers, and the determination of the relations of the institution to the various other agencies of its state or of its region." With the presumption of necessity established, Pritchett turned his attention to the question of whether the faculty—and more generally any number of constituencies of the institution, such as alumni and students—should be directly represented on governing boards. In Pritchett's view, claiming that "democratic government" meant that all constituencies must be represented "reduces all government to a collection of factions, each seeking to represent a special group in the constituency, whereas each member of the governing board should represent the whole constituency." This, Pritchett insisted, would be accomplished "by demanding that all who administer government shall be chosen upon a basis which removes them as far as possible from direct interest in the questions to be adjudged and which demands the qualities of fair dealing and sound judgment in those chosen to govern." And so, rather than conducting an "arbitrary rearrangement" of the machinery of governance, democratic government was to be "obtained not by mingling the functions of the governing body and of the teaching body but by conducting each in its own field while establishing the most hearty cooperation between the various groups." Pritchett reiterated his views on the role of a governing body, as opposed to an administrative officer, in the foundation's 1919 annual report: "The college board of trustees is assumed to be a governing body, responsible for the selection of the high administrative officers, and

charged with the responsibility for the funds, and for the general policy and conduct of the institution."[26]

Compared to the programmatic statements by Cattell, Lovejoy, and Dewey around the time of the founding of the AAUP, the association now occupied something of a middle ground. And yet perhaps the best way to illustrate that middle ground is through the extent to which the constative positions of the "left" and "right," so to speak, were similar and only differed in the conclusions that they drew: Kirkpatrick called the president the "agent" of the board, while Pritchett called the president "the chief executive" of the board. Committee T instead determined that "the president of a university should be its educational leader, and its chief administrative officer, both with regard to the functions of the trustees and those of the faculty."[27]

Contrary to the AAUP's report on academic freedom, the 1920 report on governance received little attention following its publication, as a report of Committee T noted in 1926. One of the few discussions of the report occurred in the *Educational Review*, which was edited by Columbia president Butler, where an editorial applauded the recognition of the report that "the board of trustees should, as custodian for the public, remain the official source of authority" and called the report "progressive without being radical." Given the history leading up to the creation of the report, that appears to have been the intended outcome.[28]

As to Cattell's views of the AAUP during this time of academic unrest, he wrote in January 1919, "when the present writer first proposed the establishment of such an association his plans were more directly in the form of a union. It might now be desirable for the more radical academic teachers to form a national union affiliated with the American Federation of Labor."[29]

Academic Freedom

In 1919, Lovejoy served both as president of the AAUP and, for part of the year, as acting chair of Committee A. The committee published three investigative reports in 1919, two of which had been holdovers from 1917 that had been delayed by the war: Colorado College and Bethany College. The Bethany College case is of some wider interest because it was the first case Committee A took up at a religious institution that involved, at least to some extent, disagreements over religious orthodoxy.

Professor H. I. Croyle, who had held the Chair of Hebrew and Old Testament at Bethany College, was not reappointed in 1917 after one year of service. The committee did not fault the institution over the nonreappoint-

ment, finding the claim of the Bethany's president Thomas E. Cramblet believable that the reason was Croyle's "inability to fit into Bethany life harmoniously," yet it noted that Cramblet had admitted that Croyle would not have been reappointed anyway because he taught "modern critical views of the Bible." This finding raised the question of how the committee should treat the attitude of the institution toward freedom of teaching, independent of the question of Croyle's case.[30]

After reviewing a draft report of the Bethany case, Lovejoy wanted the investigative committee to modify it, insisting, "while it is true that the Association recognizes the legal and, in the ordinary sense, the moral right of any private person or group of persons to hire teachers and prescribe what they shall teach, it is not true that we regard such practice in accord with the principles of academic freedom." Lovejoy's distinction between the rights of institutions and principles of academic freedom is important, because the AAUP would subsequently adopt a somewhat weaker stance when it cooperated with the AAC on joint principles of academic freedom. The Bethany report concluded with general recommendations of the investigative committee, which included that "church colleges should fully and unequivocally inform the public and their professors of all restrictions that their tenets impose upon academic freedom" without specifying that such restrictions themselves are consistent with principles of academic freedom.[31]

The Levine Case

In February 1919, Lovejoy wrote to Tyler: "you have doubtless noted that a new and especially important Academic Freedom case has broken out at the University of Montana, important especially because the Anaconda Copper Company appears to be directly involved in this case. We were constantly assured that this great corporation, which has gained control of the politics of the state, was at the bottom of the other affair, but we could never get anything really resembling legal proof of this allegation." The case, which would be the second of three cases at the institution in less than a decade, involved Professor Louis Levine, who had been hired to teach economics by chancellor Edward Elliott in 1916 on Seligman's recommendation. Elliott, who had been at Wisconsin before taking the position in Montana, was perhaps trying to emulate the "Wisconsin Idea," promoted by Wisconsin president Van Hise, of having the university be of broad service to the state by enlisting the help of professors to write legislation, for instance. And so Elliott, who continued to be concerned over the appropriations to the university,

asked Levine to become involved in a detailed study of taxation in the state of Montana, particularly with reference to the taxation of mines. Because of an amendment to the state's constitution, Montana was limited in its ability to tax mines, and the question of changing their taxation was widely contested, in particular by the Anaconda Copper Company, which wielded significant political influence in the state. Elliott encouraged and supported Levine's work, which included helping to draft legislation and to prepare a monograph on mine taxation, by reducing his teaching load and promoting him to professor.[32]

In March 1918, Levine participated in a conference in Lewistown, Montana, where he gave an address on mine taxation. Other conference attendees represented mining interests, including those of the Anaconda Copper Company. Following the conference, a member of the state board of education, who had been in attendance, demanded that both Levine and his colleague J. H. Underwood be investigated for "advocating socialism." Although Underwood was investigated, the charges against him were not substantiated, and in Levine's case, Elliott repeatedly requested that specific charges be submitted, which they were not. By November, Levine submitted to Elliott, at Elliott's previous request, a monograph on mine taxation, in which he outlined his findings that the mines were being insufficiently taxed relative to the taxation of farms. The monograph was to be published by the university as a research bulletin.[33]

At this point Elliott, who had supported and defended Levine, changed his views on the wisdom of publishing the monograph. According to later recollections by Levine, Elliott "got cold feet at the end of the war . . . when he thought that the country was being swept by a wave of reaction," and in a lengthy description of the case to Upton Sinclair, Levine pointed to "the most reactionary" composition of the legislature, which he thought caused Elliott to worry about future appropriations. At a meeting in December, Elliott requested to hold off publication indefinitely. Levine did not agree to Elliott's demands but offered to publish the monograph at his own expense if the university did not wish to publish it for him. Elliott and Levine then agreed that Governor Sam V. Stewart would review the monograph to decide if the university should publish it. If Stewart were to decide against it, Levine would publish it himself.[34]

When Levine and Elliott met again in January, Elliott informed him that the governor had decided that the monograph should not be published at all, and Elliott therefore suggested that he not do so. At Levine's request, Elliott sent him a detailed letter outlining the reasons for his suggestion, which noted that, given the role of a state university, "it may be seriously doubted

whether the University, even in its scientific and investigative work, unless requested to do so by the duly constituted authorities, is justified in involving itself in the controversial discussion of the tax problem." But Levine decided against Elliott's advice and informed him of this decision in February 1919. Upon the publication of *The Taxation of Mines in Montana*, Elliott immediately suspended Levine for "insubordination." This response caused widespread uproar, which was in part brought about by Levine writing to newspapers both in the state and nationally. One article in *The Nation* asked, "if members of a State university may not take part in public discussion because public opinion is divided, for what purpose does the university exist?" It added, "the blight which has fallen upon the American universities during these years when liberty and democracy have been placarded on every wall and preached from every platform, is one of the gravest signs of the times." Lovejoy, who learned about the suspension in the press, informed Tyler that he was contacting Levine to ask whether he wanted the AAUP to conduct an investigation. In response, Tyler asked whether Elliott, who had been a charter member of the AAUP, should be removed from honorary membership, which he had assumed upon his appointment as chancellor, yet Elliott would remain an honorary member after the affair was over.[35]

Levine requested an investigation from both the AAUP and a faculty committee. He was entitled to the latter under the university's institutional regulations. At the same time, the response from the mining interests to the publication of the monograph brought about an attack on the university by the legislature and newspapers in the state and, further, a proposal in the State House to eliminate the chancellorship over the rather bizarre claim that Elliott was "too socialistic for his position." Levine, who had been born in Russia, was also subject to xenophobic and anti-Semitic attacks in the state that called for his deportation. Elliott tried to use the pending investigation of the university by the legislature to suppress the investigation by the campus committee, but the arrival of Northwestern University economics professor Frederick Shipp Deibler, who conducted the AAUP's investigation, emboldened the committee to assert itself. It requested that Elliott come to the committee to testify and subsequently published a lengthy report condemning the chancellor's actions. Deibler's report quoted the committee's findings at length, which found in particular that Levine's publication could not have constituted insubordination because the chancellor simply did not have the authority to instruct a faculty member not to publish research results. The state board subsequently upheld the findings of the committee, in rather absurd fashion, by simultaneously determining that Elliott's

suspension of Levine had been in order yet reinstating him with back pay. Deibler, who would serve as chair of Committee A in 1920–21 and as president of the AAUP in 1940–41, concluded his report by acknowledging that the faculty committee had displayed "an admirable understanding of the principles underlying academic freedom," which it had applied "to the specific questions before the Committee with fairness, discrimination and courage."[36]

Concluding his description of the case to Sinclair, Levine remarked that it had led to "a spirit of greater independence in The University and especially among the faculty members. Almost to a man they joined in the movement to organize and formed a union which became a local of the AFL [American Federation of Labor]." Citing the Levine case, the *New York Times* reported on the establishment of Montana Federation of Teachers, Local Union 120, and found that the cause for its formation was that "the Faculty was tired of having the sword constantly hovering above their intellectual heads." The AAUP took notice of the development as well. Deibler wrote to former acting Committee A chair Frank Lillie about a report in the press that the faculty had formed a local and that Elliott had warned them not to affiliate with the AFL. He added, "it seems that unrest isn't confined to industrial workers, and that organization is making some headway in teachers in different sections of the country."[37]

Unionization

As Deibler observed, faculty began to organize in 1919. Although the majority of faculty unions formed at teachers' colleges and normal schools in the Midwest and West, metropolitan unions in Boston and New York began to attract faculty members as well. For the most part, however, unionization occurred at institutions that did not make up much of the membership of the AAUP. While concerns over salaries were frequently cited as the reason for unionization, some unions formed over specific institutional problems members wished to address. For example, the Howard University local was broadly concerned with improving working conditions, the Washburn College local was formed after Kirkpatrick's dismissal and sought his reinstatement, and the University of Illinois local was, according to *The Nation*, formed over the failure of the university to adopt the constitution that faculty had worked on since 1911.[38]

Although the immediate effect of the movement toward unionization on the AAUP was limited, it caused sufficient concern for Lovejoy to announce the establishment of the Committee on the Economic Condition of the Pro-

fession as well as to discuss in great detail his own opposition to unionization in his presidential address. He further engaged in a series of public exchanges on the topic throughout 1920. Lovejoy based his opposition on three separate arguments, which related to professionalization, academic freedom, and the contested status of collective bargaining, respectively.

Having promoted the dictum in the AAUP's report on academic freedom that faculty were the appointees but "not in any proper sense" the employees of trustees, Lovejoy considered the status of the professor as a professional rather than "a hired man" to be incompatible with unionization. Because faculty members were not employees but "responsible officers of institutions," the argument that employees benefited from unionization therefore could not be extended to faculty. University of Missouri zoology professor Winterton C. Curtis, who took the opposing position in the extended debate with Lovejoy, found the claim that professors were not employees to be "based upon words rather than facts." Curtis observed that teachers in general were still frequently appointed by the year, which made the distinction between faculty and workers who were employed by the hour or week a difference "in degree not in kind." The same was true, Curtis pointed out, for professors who held their "appointment until a certain age or until removed for misconduct."[39]

Lovejoy's second objection was concerned with academic freedom. It was based on his claim that union affiliation would affect the ability of a faculty member to render an unbiased judgment on social and economic questions, particularly with respect to the subject of unionization, as unionized faculty would have already expressed a preference in its favor. Furthermore, Lovejoy held that membership bound faculty members to certain positions advocated by the union. This, Lovejoy thought, was particularly problematic because the questions regarding the benefits of unionization were under intense debate, and so faculty unionization could reduce the effectiveness of the professoriate during a time when it was particularly needed: "the special student of social and economic problems ought to avoid any affiliation which will disqualify him from serving as a mediator between, or a disinterested counselor of, both parties to the industrial struggle." A group of faculty members from the University of Missouri, where a local had recently been founded, wrote an open letter in response to Lovejoy's address in which they remarked that Lovejoy was carrying "the ideal of aloofness to a point that seriously diminishes the scholar's usefulness." They added that while there may be specific cases where faculty members perhaps should not join unions, given their area of specialization, this should not be generalized to all social scientists because, for instance, "not many teachers believe that

a specialist in political science, in order to retain his independence, must refuse to join a political party or to ally himself with public causes." Rather than threatening academic freedom, the letter went on, a unionized faculty would in fact keep "any tendency toward the censoring of economic teaching" in check, as pressure was only ever applied "from one side"—that favoring the existing economic order. More succinctly, Curtis, who was among the authors of the open letter, stated, "the bugbear of class domination is most commonly raised by those whose class already dominates."[40]

Curtis addressed Lovejoy's call for neutrality in the question of unionization in further detail by noting that, in the attempt to be neutral, "we are already partisan and on the wrong side." Curtis added:

> Why not take a chance on the side of fundamental justice in a great issue for once in our little lives? The emergency is here. The existing domination of the schools by those primarily interested in the exploitation of natural resources and of human beings constitutes one of the most serious obstacles to the amelioration of many of the iniquities of the present social order. The schools are in danger of becoming like the Church, which has so cultivated a supposedly non-partisan attitude in these social matters, that it has at length reached a thoroly innocuous and despicable position with reference to social reform.[41]

Lovejoy's third argument against unionization was based on its contested status both within the professoriate, which would cause a lack of unity, and within the general population. Lovejoy addressed the latter in a personal letter to Curtis, in which he wrote, "It is extremely unsound strategy, in the present state of affairs, to confuse issues in the public mind by making our struggle for full freedom of teaching seem, at least to outsiders, to be somehow mixed up with the cause of trade unionism—and therefore the object of whatever odium attached to the latter, in the minds of large sections of the public." Thus, given that the Red Scare had caused widespread hostility against the labor movement, Lovejoy was concerned that the hostility would extend to efforts for securing academic freedom. Lovejoy's response mirrored his response to the challenges of wartime, and it would be indicative of the behavior of the AAUP for some time to come. In fact, his response reflected that of other reform movements and organized labor. For instance, the American Federation of Labor responded to the Red Scare by publicly stressing its own conservatism.[42]

Recognizing that they were living "in a period of reaction," Curtis instead argued for courage: "We can not train our students for a courageous and forward looking citizenship, if we continually exhibit timidity in the face of

criticism." Adding that he recognized that his statements would be called "socialistic or bolshevistic or by whatever epithet is nearest to hand," he noted, "but I do not think we need be concerned over the temporary clamor of reaction."[43]

Historians studying the Progressive Era have observed that there was no single Progressive movement, but rather a collection of individual reform movements that nevertheless had sufficient cohesion throughout the era to effect social change. This cohesion was lost by the 1920s, which in turn affected the political development throughout that decade. Curtis recognized the beginnings of this loss of cohesion and described it rather bluntly when he spoke of two kinds of self-proclaimed Progressives: those who did not wish to see "real modification of existing conditions" and those who did. The latter, he noted, were now being called "radicals."[44]

In the end, just as union membership across the country declined significantly at the beginning of the 1920s, most of the locals that were formed at universities in the aftermath of the war did not survive into the middle of the decade. The most direct effect that the brief early development of the academic union movement had on the AAUP was that it likely factored into the decision to reconsider requirements for membership. The overwhelming majority of faculty who joined the local at the University of Illinois, for instance, consisted of junior faculty members who were ineligible for membership in the AAUP. By 1920, the number of years of service required for membership was reduced from ten to three.[45]

The formulation of the 1920 governance report, as well as the AAUP's response to early efforts of faculty collective bargaining, occurred under the influence of the first Red Scare, when Progressive reform efforts were widely maligned as "Bolshevik." Given the extent of the hysteria, stoked by politicians and used by any number of reactionary forces, it severely affected the labor movement and caused its decline throughout the 1920s. Lovejoy's worry that the "odium" of trade unionism would attach to the efforts of the AAUP mirrored concerns over the possible loss of influence of the AAUP if it did not approve of the dismissal of faculty who opposed the war. As a result, the AAUP's development shifted away from efforts to reduce or eliminate the power of governing boards toward narrower goals of increasing the participation of faculty in institutional government.

CHAPTER ELEVEN

The Growth and Development of the Association

The significant amount of time and effort expended on the defense and definition of academic freedom during the first year of the AAUP's existence left little time for other considerations, but immediately upon assuming office, second AAUP president John Wigmore addressed the membership with a plan for the future development of the association. Wigmore wrote, "the task of this Association is to formulate, by deliberation, the best professional opinion on all that touches the public work of our career." Wigmore added that "this formulation requires widespread and frequent deliberation throughout the year and among all members. And these deliberations will be guided by the systematic labors of the several committees, promoted by the circulation of a printed organ of communication, and focused finally by the debates and the votes of each annual conclave." In order for deliberations to be conducted among all members, Wigmore proposed the establishment of local chapters, which had been a matter of contention throughout the organizational phase, and of the *Bulletin* as a monthly publication. Wigmore's organizational contributions to the early development of the AAUP further included the formulation of written procedures for Committee A investigations and for the annual meeting, as well as the establishment of the early committee structure of the association. As he wrote to the council, "it is my ambition to see traditions of sound procedure established early in the history of this Association before its growth in members brings difficult tangles." Wigmore also presented a long-term vision for the association, suggesting that it should become an inclusive body of university professors and that the restriction to faculty members with at least ten years of service should eventually be overcome, which it would by the end of the decade. While John Dewey is often identified with the early

history of the AAUP, it was Wigmore who made the most significant organizational contributions of that period.[1]

The Development of Chapters

Early in 1916, Wigmore and H. W. Tyler sent letters to individual members at institutions represented in the association asking them to serve as conveners of meetings for the formation of local chapters. Because no official provisions for the establishment of chapters yet existed, Wigmore and Tyler suggested that the efforts of the recently established committee working toward appropriate language for the bylaws would benefit from drawing on the experience of already existing chapters before the next annual meeting, at which such language was to be approved. As a result, the association began its local existence at the following thirty-one institutions in 1916: Amherst, Brown, Bryn Mawr, California, Chicago, Cincinnati, College of the City of New York, Colorado College, Cornell, Dartmouth, Indiana, Iowa, Johns Hopkins, Kansas, Lehigh, Michigan, Mt. Holyoke, Nebraska, North Carolina, Northwestern, Ohio State, Purdue, Stanford, Syracuse, Texas, Tulane, Vassar, Washington (St. Louis), Wellesley, Williams, and Yale.[2]

Additional chapters formed through the year, and when University of Wisconsin economics professor John Commons, who chaired Committee F on Organization of Local Chapters or Groups, reported to the third annual meeting, there were a total of forty-one chapters at individual institutions and two regional groups, in New York and Boston, which included members from a total of nine institutions among them. Except for one negative reply from a member who had been contacted by Wigmore and Tyler, Commons reported that the responses to the proposal to form chapters had been overwhelmingly positive, and, as a result, the third annual meeting adopted a bylaws provision on the establishment of chapters. The meeting decided to change the name of such local groups from "chapters" to "branches," which they carried until the constitution was changed to revert their name to "chapters" in 1922. The 1917 bylaws provided that "local branches may be organized by seven or more members of the Association either in institutions or in regional groups of institutions, for such purposes not inconsistent with the Constitution and By-Laws as such branches may determine."[3]

Chapters played an increasingly important role in the operations of the association throughout its early history. They were the primary locus for recruiting members. By 1920, the total number of chapters had increased from thirty-one to fifty-six, and their political role in the association had been recognized by adopting a proportional voting system for the annual meeting,

in which delegates could cast weighted votes in proportion to the number of members in their chapters.

The Role of Chapters

Wigmore had envisioned chapters primarily as part of a deliberative machinery for the formulation of the official position of the professoriate. Such positions would originate in committees, be discussed within chapters, and then be voted on at the annual meeting. Almost as an afterthought, the council adopted a resolution immediately following the recognition of chapters in the bylaws providing that "it is not the province of local branches to take any action on local issues beyond private discussion." This dictum raised concerns within chapters, and Tyler, in response to correspondence from chapter officers, formulated a more detailed description of the proscribed conduct of local chapters, which the council subsequently approved:

> A local branch of the Association may meet for discussion of questions either local or general and may adopt formal resolutions for transmission to the officers of the Association or to the Association itself at the Annual Meeting. In case local questions seem to require action other than that just indicated, it is not desirable that action should be confined to members of the Association constituting a Local Branch rather than to members of a local faculty generally, and it is inexpedient that the name of the Association should be used in such cases. This does not preclude any local branch from calling a meeting open to other faculty members for action, as a self-constituted group, on any local issue.[4]

The relationship between chapters and the local faculty or its governance bodies on the one hand, and between chapters and the national organization on the other, would continue to be a matter of concern, and in his 1919 presidential address Lovejoy reminded chapters that it would be "disastrous" if they spoke on behalf of either the national organization or the faculty as a whole. Chapters should serve as a place for the formation of opinion on local issues, Lovejoy stated, "though not for the official expression of it."[5]

Both the example of the Prokosch case at the University of Texas and the following episode at the University of Minnesota provide some evidence for the wisdom of limiting the actions of chapters so as not to be binding on either the association or the local faculty. The latter case also illustrates a potentially problematic result of restricting membership to faculty with at least ten years of service, as the concerns of the most senior faculty may not always coincide with the faculty at large.

In November 1919, the *Foolscap*, a student paper, published a blistering attack on what it perceived to be the condition of academic freedom for faculty at the University of Minnesota. Acknowledging that the president of the university had publicly testified to the existence of academic freedom at the institution, the article stated: "This academic freedom, however, is of so peculiar a nature that no one member of the faculty is free publicly to discuss it. The president may speak of it with an engaging boldness; the students may speak of it (and do) with a fine ironic scorn; but members of the faculty, those to whom is entrusted our instruction in 'all forms of knowledge,' those even whom we address as 'Professor' and 'Dean,' they dare not utter their true opinion concerning it; their mouths are effectually sealed. This the students know."[6]

The AAUP chapter at the University of Minnesota, which had previously failed to respond in any way to the dismissal of William Schaper, responded to the article not with alarm but with indignation. Upon the request of a chapter member, who described the charges as "unfounded" and called it the duty of the faculty to refute them, the chapter appointed an investigative committee. This action exceeded the limits set by the association with respect to chapter action, which the committee recognized when it issued its report. As a result, it proposed to change course: although it called the charges "false and misleading," it explicitly stated that the chapter "had no authority to take action in the matter" and thus recommended referring it to the general faculty for further consideration.[7]

A meeting of the general faculty, called at the request of the chapter, yielded a surprising result: after the chair of the chapter committee explained its findings, a vote by secret ballot showed that some 15% of the faculty at large believed that the charges had merit, and a committee of the general faculty was appointed to investigate them. No member of the chapter served on the faculty committee. The committee's investigation resulted in a report that found evidence of a climate not conducive to academic freedom at the University of Minnesota, and stated, in what appears to be a veiled reference to the position of the chapter: "Fears have been disclosed to the committee, which if recounted in detail might seem to many members of the faculty absurd and unbelievable, and which perhaps could not be entertained by others, either because of the possession of greater courage, or of a greater security of tenure, or because of the fact that their own convictions are in happier conformity with the ruling opinion."[8]

As if to add further weight to the report, University of Minnesota president Marion Burton first appealed to the faculty at a subsequent meeting to

delay approving the recommendations of the committee, which included that the regents endorse the AAUP's report on academic freedom, until the committee came forward with further evidence. After that strategy succeeded, he used the senate to ensure that the committee could not report during the remainder of the academic year. By the following year, the student paper had been abolished and the matter buried. An article in *The Nation* in January 1921 calling attention to the fact that no further action had been taken at the university prompted Tyler to ask the chapter whether Committee A should take action. The chapter's records do not contain any response to Tyler, and the minutes of chapter meetings during that time do not contain any mention of discussion of this matter. No further action from the national AAUP followed.[9]

On the other hand, some chapters were highly successful in bringing about improvements at their institutions. The Dartmouth College chapter, which in 1919 consisted of about a third of the entire faculty, began to formulate proposals on faculty-board communication immediately following its founding in 1916 and forwarded these and additional proposals on securing tenure to the full faculty, which recommended them to the governing board. Through these activities, Dartmouth established detailed tenure rules over the course of the next several years.[10]

Although Lovejoy expressed concerns over chapters exceeding the limits set by the council, in his presidential address he encouraged local faculties, rather than chapters, to be more engaged in responding to violations of academic freedom on their campus. As perhaps the clearest expression of Lovejoy's own views regarding the importance he attached to the attitude of local faculties in academic freedom cases, he proposed that when violations of academic freedom occur, "it is essential that the members of the local faculty regard the defense of that principle, and of all the weighty interests of the university and of society which are involved in it, as primarily their own responsibility." Lovejoy stated that he felt compelled to issue this reminder because he felt a certain amount of dismay over the possible effects of the investigative activities of the association on local faculties: "There is reason to fear that the organization of this Association has in some degree actually decreased the initiative and the sense of responsibility of faculties, in this respect. Before the Association was established, several serious cases of dismissal for improper reasons were promptly followed by the resignation of many members of the faculties affected. Now, even when gross abuses occur, there is a tendency to leave the whole matter to the Association." Having resigned from Stanford over the Ross case in 1901, Lovejoy observed that "freedom of teaching, like most of the other forms of desirable free-

dom, is unlikely to be won, or kept, unless those who are its natural guardians possess a certain measure of civil courage."[11]

Membership

The first constitution of the association provided for the approval of membership nominations by vote of both the council and the annual meeting. But this meant that membership could only be conferred once a year, which was not practicable. In October 1916, the Committee on Qualifications for Membership proposed an amendment to the constitution that created a new process for the approval of membership: following nomination by three members of the association, names of prospective members would be published in the *Bulletin* and, after a period of at least sixty days, voted on by the Committee on Admissions. The waiting period was to allow members to challenge nominations and also for the committee to investigate the qualifications of nominees, if they were in doubt. Approval by the Committee on Admissions required a two-thirds majority.[12]

The new process, which was approved by the annual meeting, was still relatively cumbersome. Because of the occasional extension of membership to faculty members who had been nominated without being consulted, Tyler reminded members regularly not to do so. A particularly noteworthy case was that of historian Charles Beard, who, before his resignation from Columbia over the Cattell case, protested his election to membership in the association and requested to be removed from what he called "a futile enterprise." One nominee from the University of Minnesota withdrew his application over the lengthy waiting period, writing to the chapter: "I don't like to cool my heels in the anteroom while my high-bred host studies my visiting card and weighs the propriety of letting me come up."[13]

A particular difficulty in the admissions process was ascertaining whether nominees met the constitutional requirement of "recognized scholarship or scientific productivity." Nominations were to be submitted on a card that included a line to list "principal publications." The committee did not wish to evaluate the scholarship of each nominee, however, and so any nominee who had served for ten years at an institution that the AAU had recognized through its early accreditation efforts would be treated with the "presumption of recognized scholarship." Nevertheless, when in doubt, the committee made inquiries with nominators to request further information about the publication record of nominees, which further delayed the process of approving membership. Such problems caused some chapters to pass resolutions requesting that the process be simplified.[14]

Membership grew during the first year, from 867 charter members to 1,400 members by 1916, and continued to grow to 2,244 by 1918. But membership stalled during and following the war, and by 1920 it stood at 2,378. A confluence of several concerns appears to have been responsible for the decision to reduce the service requirement for membership from ten to three years at the end of 1919. In addition to the ongoing financial worries and efforts to unionize faculty, the association faced questions over its representative character. Together with a reduction in the years of service for membership, the association eliminated the requirement of "recognized scholarship or scientific productivity" while leaving the review and approval of the Committee on Admission in place. In 1921, membership increased by over 50% to 3,632.[15]

Proportional Voting

After the difficult process of obtaining approval for the report on academic freedom at the second annual meeting, Wigmore drafted standing rules for the conduct of annual meetings, which he sent to the council for approval. One provision, which Wigmore pointed out had been adopted from rules for the meetings of the American Bar Association, disallowed reports to be voted on that had not been printed and distributed in advance of the meeting. Wigmore addressed concerns of council members over the strictness of this particular rule by observing that it had been "born of dire experience" where it had originated and that it was "the only rule worthy of a business-like body who have made sacrifices to attend the meeting." Wigmore's rules were approved and put to use for the first time at the third annual meeting.[16]

Attendance at annual meetings still varied sufficiently that by 1919 Lovejoy observed, "we cannot expect the annual meetings to be attended by a sufficient proportion of the total membership" to fulfill the goal that Wigmore had set for the "annual conclave." This conclusion prompted a proposal to change the mechanism of representation at the meeting. Low attendance at annual meetings presented several difficulties. Members could argue that an action should not be taken because attendance was not sufficiently representative of the membership as a whole. Questions over whether smaller meetings could take action on behalf of its membership had plagued the AEA in its deliberations over academic freedom. At annual meetings of the AAUP, this objection had been raised during the debate of the general report on academic freedom, but at the fifth annual meeting in 1918, attendance was apparently particularly low as a result of the influenza pandemic.

A resolution endorsing the establishment of the League of Nations received the objection that attendance was so small that the meeting should not even recommend the adoption to chapters. The resolution was approved in spite of the objection, as was a highly critical report on the proposed TIAA. In response to the latter, and to undermine claims that the association spoke on behalf of the profession as a whole, the Carnegie Foundation began to inquire about attendance at that particular meeting. Speaking at the meeting, Lovejoy observed, "The disadvantages of the present meeting are obvious to everybody. The character of the votes of the Association now depends upon the chance make-up of the attendance at any annual meeting. The meetings have been fairly representative in character and somewhat representative of all sections of the country, but it is perfectly possible that in the future we may get a snap vote on some important matters. That, we should, if possible, avert."[17]

Lovejoy proposed that the council draw up a system of delegate representation in which chapters could vote in proportion to their membership. The establishment of chapters had at first raised concerns over "the possible tendency to create local cliques in the management of the Association's affairs"; however, the concerns over the representative character of the annual meeting now outweighed those concerns.[18]

The importance of providing for proportional voting can be explained by the distribution of members among institutions. In 1919, seventy-one institutions had five or more AAUP members on their faculties. The institutions in the two lowest quartiles had between five and twenty members, those in the third quartile between twenty and forty-five, and those in the fourth quartile over forty-five members. Roughly half of the entire membership was at institutions having forty-five members or more, with about 5% of the membership at the University of Wisconsin alone, which had the biggest chapter with 103 members. A constitutional amendment providing for proportional voting was adopted in 1920, but only after it was further approved by a majority of chapters. As the constitutional amendment noted, the expectation was that votes would normally be decided by a simple majority of delegates present and voting, but a proportional vote would be taken if one-third of delegates requested it. Such a vote would still provide a single vote to each delegate, but delegates from chapters with more than fifteen members would split among them one vote for every ten members or "majority fraction thereof." The proportional voting system was sufficiently complex that it was not used until 1935, at which point it required several hours to determine the outcome of the vote. The absence of a "unit rule," requiring all delegates from the same chapter to cast their votes in the same

way, was cited as particularly troubling for the purpose of counting votes, as it resulted in fractional votes being cast with the denominator of every vote cast by a particular chapter delegate depending on the number of delegates from that chapter.[19]

In addition to the proportional voting system, the council introduced a "new plan for meetings of chapters" in which the council would select specific topics for discussion in chapters during the year. Such topics would correspond to reports that had recently been published or were forthcoming. Chapters were asked to spend at least one meeting during the year discussing each of these topics, and the next annual meeting would have time reserved for their discussion. The report of Committee T on Place and Function of Faculties in University Government and Administration and the resolutions derived from it were designated as "special topics" and discussed in chapters before the 1922 meeting considered the resolutions.[20]

The *Bulletin* and the Budget

Among the primary duties of the secretary was the publication of the *Bulletin*, which officially assumed regular circulation in March 1916. The previous two bulletins, containing the Utah report and the report on academic freedom, were published without a serial number, although the latter was renumbered as volume 1 in reprints. For the first five years, the publication only included official announcements and reports by committees and officers in addition to updates from chapters. Furthermore, Tyler regularly sent letters to chapters with information about proposed constitutional amendments or other council business. The *Bulletin* began to include articles by individuals beginning in 1921. The circulation of the *Bulletin* included selected scientific associations, newspapers, and college libraries, with a total distribution of some 1,700 copies in 1916. In order to receive wider readership of its reports, the association frequently reprinted them in Cattell's publications, particularly in *School and Society*, although Tyler occasionally questioned the practice, calling it "not an unmixed advantage that we should seem to be closely identified" with Cattell.[21]

The cost of publications was a significant, at times prohibitive, expense for the early association. With annual expenditures that began with $3,900 in 1916 and rose to $7,400 in 1919, the publication of the *Bulletin* and the reprinting of Committee A reports accounted for about half of the budget each year, except for 1918, when the *Bulletin* was on a reduced publication schedule because of World War I. The length of investigative reports was a regular matter of concern to the treasury, and Tyler and others

frequently tried to convince committee chairs to shorten their reports. Although Committee A was responsible for approving the publication of reports, investigative committees alone were responsible for their content and could not be forced to cut their length. When Tyler reported on the volume of pages printed in the *Bulletin* by year in 1922, he commented on the number of pages devoted to investigative reports, which accounted for a high of 45% of the total number of pages published in 1917 and a low of 7% in 1920.[22]

With dues set to $2 in 1915 and with some percentage of members frequently in arrears, the association regularly operated with a deficit, which it often was only able to close through donations from individual members. For example, the *Bulletin* reported in 1917 that 390 members contributed a total of $1,020 to help the association pay its bills, and lists of contributors were published after the 1919 deficit reached $2,000. In January 1917, Seligman provided a personal loan of $500 to the AAUP to ensure that the printer received payment. In spite of these financial difficulties, a proposal to raise dues in 1917 was tabled, and dues would only be increased to $3 in 1920. Although a feared loss of membership was cited whenever dues increases were discussed, the increase in dues was accompanied by an increase in members, following the changes in requirements for admission.[23]

The Teachers Insurance and Annuity Association

The internal development of the association was accompanied by the development of its external relations. Through its membership in the American Council on Education, the association began to develop courteous relations with many higher education associations, yet while the Carnegie Foundation greeted the establishment of the association at first, their relationship deteriorated throughout the early years of the AAUP until it reached the point of frank hostility. Having previously eliminated the "service" pension—to widespread opposition—in order to improve the solvency of its endowment, the Carnegie Foundation recognized in 1915 that more drastic changes to its pension program were required. In November, Henry Pritchett contacted John Dewey as president of the association to send him a confidential draft proposal for a pension program calling for the establishment of a contributory system to be administered by an organization that Pritchett dubbed the "Teachers Insurance and Annuity Association." Under this proposal faculty and institutions would make payments toward an annuity payable at retirement. Pritchett stressed that the proposal was based on "a sound social philosophy" and had "a sound financial basis." With respect to

its social philosophy, Pritchett argued that the "free" pension system of the foundation was inferior to a contributory system both because professors and their institutions had an obligation to provide for the secure retirement of the former and also because pension distribution to faculty had distorted compensation levels at some institutions. As with the elimination of the service pension, critics of Pritchett's proposal pointed to the apparent contradiction of this rationale with his own previous statements and the original intent of Andrew Carnegie for the establishment of the foundation. TIAA was to provide life insurance, in addition to annuities, at low cost because it would operate without agents, and the Carnegie Foundation would subsidize any part of TIAA's operations not covered by its surplus.[24]

In response to Pritchett, Dewey suggested that the AAUP be included in the process of vetting the proposal, and by February 1916, Pritchett requested that Wigmore establish a committee to respond by the end of March to a finalized report that had been widely distributed to faculties and institutions. This short turnaround time caused significant concern within the AAUP that the proposal was moving ahead with too little time for its full consideration, and by April the trustees of the foundation agreed to delay final action to the fall. The AAUP's council appointed a committee chaired by Harlan Stone. Among the members of the committee were some of the foundation's fiercest critics, including Lovejoy, Joseph Jastrow, and Otto Heller, professor of German at Washington University (St. Louis), as well as a number of economists and legal scholars with expertise in insurance and finance.[25]

The committee's first official communication to the foundation in September took an aggressive stance by presenting a resolution demanding that no further action be taken in establishing TIAA without consulting with the AAUP and without providing for membership of representatives of the association on the board of trustees of the Carnegie Foundation. It also requested permission for the association to address the foundation's trustees directly. Pritchett subsequently invited Stone and Wigmore to a meeting of the board without responding to the other demands of the committee. In November, Committee P on Pensions and Insurance released its first report. It decried at length the changes proposed to the existing pension program, for which the committee believed that the foundation had assumed at least moral if not legal obligations. The report saw the proposal as a deceptive attempt to abandon the purpose for which Andrew Carnegie had established the foundation, finding that "the suggested change in its fundamental purpose under the guise of a change of rules relating to its administration" had further resulted in "a loss of confidence in the Foundation on the part of

American university teachers." It requested a delay of the decision on the proposal for at least a year in order to study it in detail.[26]

The AAUP maintained three types of concerns over the establishment of TIAA throughout the entire period of negotiation: (1) distrust over the involvement of the Carnegie Foundation in general and Pritchett in particular in the establishment and operations of TIAA, (2) insistence that the foundation honor its prior pension obligations before engaging in any new endeavors, and (3) details of the organization and the offerings of TIAA. The third included a multitude of specifics, some of which the foundation subsequently addressed, but among these, three would play a large role in the negotiation. First, the proposal of the foundation stipulated compulsory participation in the program in any university that adopted it, meaning faculty in those institutions would have to contribute a percentage of salary whether they wanted or needed to receive the annuity. In the words of Cattell, who published a book of collected criticisms under the title *Carnegie Pensions* in 1919, "The fundamental problem is whether it is for the ultimate welfare of academic teachers to be compelled to purchase annuities in a company controlled by university presidents." The AAUP vigorously opposed this provision and ultimately succeeded in having it removed, which Lovejoy considered an important success. The other two concerns are fairly technical but highly important because they touched on much wider concerns than may at first appear. These concerns were whether TIAA was offering participating or nonparticipating policies and whether it was organized on a stock or mutual basis.[27]

What makes a policy *participating* is that any surplus generated by premiums must be distributed to policyholders. Given the actuarial and financial details of how the policies were set up, members of the committee expected the accumulation of a significant surplus and feared that TIAA would use it to fund operations like those of the Carnegie Foundation, except with money derived from payments by faculty members. While the debate over the mutualization of TIAA would in the end involve disagreements over fine points of New York insurance law, the distinction was simply this: a stock company was governed by a self-perpetuating board, while a mutual company was governed by the policyholders, that is, the faculty members who were buying the policies. And thus the disagreement was as much about the diverging views of the AAUP and the Carnegie Foundation over principles of governance generally as it was about the organization of TIAA specifically. As Cattell noted, "The first step should be to discard those responsible for the existing situation; then the teachers should come into control of a foundation established for their benefit."[28]

The primary accusation of the report—that the proposal to establish TIAA was at its base deceptive—rankled Pritchett, but while the foundation did not respond to the accusations in the committee's report publicly, an internal memo called it a "careless, inaccurate, and grumbling document" and blamed "professorial utterances like this report" for the decision not to invite professors to serve on the foundation's board. Nevertheless, after Stone and Seligman, the latter as vice president of the AAUP standing in for Wigmore, addressed the board, the Carnegie Foundation established a Commission on Insurance and Annuities with representatives of the foundation, the AAUP, the AAC, the AAU, and the National Association of State Universities.[29]

The two representatives of the AAUP on the commission were University of Illinois mathematics professor Henry L. Rietz and Yale law professor Walter W. Cook. Cook would serve as president of the AAUP from 1932 to 1934 and as its general secretary from 1933 to 1935. By March 1917, the commission formulated a draft report. Following its distribution, Cook wrote to Pritchett that he could not support it as a representative of the AAUP because, although the commission had agreed to the representation of policyholders on the board of TIAA, no details had been included on how these representatives would be selected. Following a meeting of the commission in April, its final report proposed to have a board of trustees of thirteen members be selected by the Carnegie Foundation together with five representatives selected by the AAUP, the AAC, and Canadian universities, which were to benefit from TIAA as well.[30]

While Cook supported the commission's final report, he told Pritchett that he feared Committee P would not. The committee responded with ambivalence: its report approved of the principles established by the commission regarding the offerings of TIAA but noted on the matter of its governance "that self-perpetuating boards of directors of life insurance companies are likely to become sources of distrust and discord on the part of policy-holders and that they afford opportunities for mismanagement of the large financial affairs of insurance companies, for which mutualization has proved to be the only corrective." It proposed not to cooperate with the foundation on the establishment of TIAA until certain conditions, including the selection of the trustees by the policyholders, were provided for. The fourth annual meeting approved the report of Committee P and empowered the committee to cooperate on the establishment of TIAA if it and the AAUP's executive committee judged the foundation to have met the report's conditions.[31]

Pritchett contacted AAUP president Frank Thilly and Rietz in December to find agreement over the outstanding concerns of Committee P, and in

January 1918 met with Stone and newly elected AAUP president John Coulter in New York. The main outcome of the meeting was the announcement of a change in the source of financial support of TIAA, from the Carnegie Corporation rather than the Carnegie Foundation, and a proposal by Pritchett for organizing the governance of TIAA, both of which Stone summarized in a letter to the committee. The involvement of the Carnegie Corporation, an organization established by Carnegie with a broader charge and with significantly more funds than the Carnegie Foundation, had the particular advantage that it removed the foundation from any direct relation to TIAA. The Carnegie Corporation further provided some $11 million to help the Carnegie Foundation pay for some of its outstanding pension liabilities. In his letter to the committee, Stone commented that Pritchett's main objection to mutualization was that control vested in thousands of policyholders was too unwieldy. Instead, he proposed to establish a body elected by policyholders that would have certain powers of oversight, including the election of trustees. Stone called the proposal "superior" to mutualization because it "would secure more intelligent and effective participation" and recommended that the executive committee and Committee P adopt it, which they did.[32]

When in April 1918 the foundation announced the establishment of TIAA, it came as a shock to the committee. In a public statement in *School and Society*, Jastrow wrote that he, as a member of Committee P, had endorsed the compromise negotiated by Coulter, Stone, and Pritchett, but that "the plan now proposed differs *absolutely* from that which was under discussion by our committee . . . An entirely different plan was substituted, without consulting the members of the committee, and was presented to the trustees for action, and is now announced as final on the part of the foundation." Because the announcement by the board cited the involvement of the committee, Stone issued a public statement disclaiming such involvement in the vetting of the plan as finally presented. Stone and Jastrow were particularly alarmed that of the sixteen trustees appointed by the Carnegie Corporation, about half were current or former members of the board of the Carnegie Foundation. Further, TIAA's officers were the officers of the Carnegie Foundation, with Pritchett as president of both. While the board of the Carnegie Corporation indicated that it wished to establish procedures for the participation of the policyholders in the governance of TIAA at a later point, neither the proposals of the joint commission nor the agreement between the committee and the foundation had been honored. A report of the committee sharply critical of these developments was approved at the fifth annual meeting.[33]

Lovejoy's term as president began immediately following that meeting, and he and Stone continued to press the foundation for changes to TIAA, yet their exchanges with Pritchett would grow increasingly hostile throughout the year. Stone, reiterating the loss of confidence that he thought the foundation had suffered in the eyes of professors, pointed to "a widespread opinion that the Foundation is very likely taking important action, affecting vitally the interests of teachers, without adequate consultation with the profession and often without paying much attention to the opinions of the members when they are ascertained." In response, Pritchett accused the association of not speaking for the professoriate in general, as its membership was only a small fraction of the profession at large and its meetings were mostly attended by a few professors who had an axe to grind with the foundation. When a pamphlet highly critical of TIAA, written by M. Albert Linton, vice president of the Provident Life and Trust Company, for agents of that company was distributed via the mailing list of the AAUP, Pritchett wrote to Tyler to demand an explanation.[34]

In response to Linton's pamphlet, the foundation prepared its own pamphlet under the title *Some Misapprehensions Touching Life Insurance*, which made direct comparisons between debates over democracy in university governance and over the mutualization of TIAA: "In the field of life insurance as in that of politics we become oftentimes the partisans, and sometimes the servants, of phrases, which we treasure with real emotion but whose actual meaning as applied to our own conditions we often fail to ascertain. The term 'democracy,' for example, is on all lips but it may, according to the temperament of the individual, mean anything from a free government resting on constitutional guarantees to an autocratic class rule resting on force." Analogously, the pamphlet claimed that the words "mutual" and "participating" were subject to misunderstanding because "the claim that the policyholders of a mutual company control it is purely fictitious": hundreds of thousands of policyholders simply could not control a company in any meaningful way. Explaining why the foundation had distributed the pamphlet, Pritchett wrote to Stone, "since the poor professor who thinks of taking a policy in the Teachers Insurance and Annuity Association has to run the gauntlet of the Provident Life, the Professors Association, and Professor Cattell, it seems only fair to give him a chance for his life."[35]

Lovejoy continued to press the case of the AAUP after the compulsory feature of the plan was dropped in 1919 in the hopes that other changes might still follow. With respect to mutualization, he noted in particular that

Pritchett's charge that control of a company by policyholders was impossible did not apply if control rested with a relatively small number of members of the same profession: "a profession, the members of which are presumed to possess a certain intelligence; which includes in its membership numerous experts in finance and economics, and not a few men who have had extensive administrative experience; many of whose members are organized into a single body; and which possesses various means for the formation, through discussion, of a collective judgment, and for its expression." Lovejoy's argument closely resembled the primary claim for faculty participation in institutional governance. The resulting exchange with Pritchett, which did not lead to any progress, was printed in full in the *Bulletin*.[36]

Pritchett wrote individual letters to several members of Committee P asking whether they had received access to all the available information regarding the establishment of TIAA. He claimed specifically that New York law prohibited TIAA from issuing participating policies, given its organization, and further made it "almost impossible" to mutualize a company. The questions of the actual provisions of New York insurance law and the ruling of the state's superintendent of insurance were the subject of additional heated exchanges, particularly after a statement from the superintendent to Lovejoy, disagreeing with the position of the foundation, was later retracted by the superintendent after he had conferred with Pritchett. Lovejoy repeatedly sought outside legal opinions and forwarded them to the trustees of TIAA in order to have them issue a public response on the veracity of Pritchett's legal statements, to no avail.[37]

Although TIAA would not issue participating policies, Pritchett cited a provision in the charter requiring it "to conduct its business without profit to the corporation or to its stockholders" as limiting the potential use of surpluses, which could, he stressed, be paid out even to holders of nonparticipating policies. He further described the absence of a requirement to distribute surpluses as an advantage. He initially claimed that the surpluses would be too small to cover the cost of postage to distribute them, a claim that Committee P strongly challenged. He later claimed that the advantage was the elimination of any "speculative element," which caused Cattell to exclaim sarcastically, "the consideration shown to the teacher in freeing him from the 'speculative element' of receiving the dividends earned by his excess payments on his policy is truly Pritchettarian." Stone further noted the discrepancy between claiming to have removed a speculative element and still distributing the surplus.[38]

As Tyler remarked to Lovejoy, Pritchett was particularly apt at using what Tyler called "the over-strenuous criticism of Cattell, and perhaps Jastrow" and their "excess zeal" to his advantage. Pritchett repeatedly complained to Stone about the tone of the committee's reports, to which Stone responded, "the report is courteous in tone, and it seems to me could give offense only in so far as the facts which it states are embarrassing or annoying." As Pritchett stated in the foundation's annual report, "The policies of the Insurance Association have met a bitter attack from a small group of college professors. The words dividend, mutual, and participating have been discussed with much heat by gentlemen who were scarcely familiar with these terms a few months ago." Pritchett repeatedly expressed doubt regarding whether members of the AAUP were qualified to judge the technical questions involved in the establishment of TIAA, which led Lovejoy to respond, "There is, I suppose, no other body of men, unless it be the members of the legal profession, with whom the tone of kindly condescension to ignorance and unsophistication—a tone, may I say, not without exemplification in your letter—is less likely to be effective." Regarding the size of the opposition, when Cattell administered a survey along the lines of the one he conducted for *University Control*, asking whether professors found the proposal satisfactory, he observed of the outcome that "the Carnegie Foundation certainly received an unlucky vote: 636 to 13 is a majority not often recorded."[39]

Lovejoy and the committee issued supplementary statements and updates throughout 1919, with the goal, as Lovejoy put it to Cattell, "to prevent university boards from acting precipitately and ignorantly on Pritchett's proposal." Pritchett meanwhile spoke at universities and meetings of administrators to advertise the plan. One such speech took place in Chicago, after which Lovejoy received the reports of Pritchett's supposed red-baiting of the AAUP. The first institution to adopt the TIAA plan was the University of Michigan, which, according to its chapter, occurred without consulting the faculty. By 1922, Cook, who was then chairing Committee P, reported that as of October 1921, sixty-two institutions had adopted the plan, a number that was increasing "slowly," which Cook attributed to the still widespread dissatisfaction with TIAA. Regarding its governance, the report found that the policyholders had voted to establish a mechanism by which they could nominate four of the sixteen trustees. Cook continued to engage Pritchett over the question of eventual mutualization, but he concluded in the report that, based on Pritchett's response, mutualization had been "definitely and, it seems, finally rejected." While a history of TIAA, written by former TIAA-CREF chairman and chief executive William C.

Greenough, gave the assessment that "the fledgling TIAA no doubt benefited from the AAUP's intense scrutiny," the AAUP continued to view TIAA and the Carnegie Foundation with suspicion through the 1920s.[40]

From its beginnings at the Chemists' Club, the AAUP grew over the course of the first five years of its existence in size and importance. Local chapters provided a constant presence of the association at those institutions where they existed, and their importance came to be recognized in order to strengthen the role of the association as the representative body of the profession. Although the Carnegie Foundation wanted to challenge that role, its earlier efforts to recognize the AAUP as a negotiating partner helped strengthen it, as it gave the association a platform on which to advocate for changes to the implementation of TIAA. The extent to which Lovejoy engaged in the battle with the Carnegie Foundation at times had the appearance of a "last stand" for the kinds of reform that he had advocated early on. At best, however, that last stand ended in a stalemate.

From University Reform to the 1920s

> We are strong enough to have our influence count; we are big enough to be ready to pull together with others in the endeavor to achieve our common ends.

University Reform

The AAUP has been subject to something of a founding myth. According to it, Lovejoy came "to the Johns Hopkins and there, meditating upon the injustice done to so eminent a man as Professor Ross, he came to the conclusion that there should be an organization to which professors could appeal under similar circumstances." Given that this particular statement of the founding myth was already circulating in 1940, it is not surprising that it stuck. There is little evidence for this view of the beginnings of the AAUP, however, and it is somewhat counterintuitive, given that a decade had passed between the Ross case and Lovejoy's appointment at Hopkins. The evidence instead points to Lovejoy's goals to establish the AAUP as a collective voice for the profession to respond to organized efforts to standardize higher education and, under Cattell's influence, as a movement of the Progressive Era—a movement for university reform. This movement sought to further the professionalization of the professoriate by empowering faculty and reducing the powers of governing boards. Like any number of reform movements of that era, the US entry into World War I and the subsequent Red Scare affected its goals. The broader emphasis on academic freedom, originally identified by Lovejoy as one issue among several, was at first scaled back during the organizational phase, then dominated the early activities of the association, and finally was narrowed to a procedural defense of tenure. The desire to change the balance of power in the university gave way to an acceptance of the authority of the governing board. In addition to a lack of evidence for the founding myth in the historical record, it also fails to provide an explanation for the AAUP's lack of involvement in the wartime academic freedom cases. When considered in light of the stated reasons for the

founding of the AAUP, the goal to gain influence as the representative body of the profession was in conflict with the goal to promote academic freedom. In resolving this conflict, the AAUP followed the members of the wider professoriate in their desire to increase their social status. This decision affected the further development of the AAUP and of higher education more generally.[1]

While the development of the AAUP in the 1920s and 1930s is discussed in more detail below, the long-term effect of the acceptance of the governing board's final authority over the AAUP was that the defense of academic freedom stayed with the association as a perennial issue. Administrative and board interference continue to bring academic freedom cases to this day. The rise of academic collective bargaining was a further long-term result, as faculties frequently decided to organize over concerns that they had an insufficient voice in governance.

There was clearly no more symbolic end to university reform than Cattell's dismissal from Columbia. The fact that Cattell's was the only wartime case the association took up and continued to address speaks to his importance within the association. While Randolph Bourne is recognized for his prophecies regarding the impact of the war on the Progressive Era, he also recognized clearly what the dismissals of Cattell and Dana represented. In an article applauding Charles Beard's public resignation, Bourne noted that the rationale provided by the administration and echoed by newspapers for the dismissals showed "how frankly the American university has become a financial corporation," in which the trustees only cared about "the vague complaints from parents that their sons are being taught irreligion and sedition within the university, complaints from businessmen that a professor is tainted with economic heresy, indignation of prominent alumni at the connection of the university's name with unpopular movements." Bourne added that in the corporate university, "vested interests presumably receive dividends in the form of orthodox graduates." Although Bourne expressed some hope that Beard's resignation would bring "a revolution in the idea of a university," this did not come to pass.[2]

Instead, throughout the 1920s, the activities of the ACE, which had invited the AAUP to participate as the representative of the professoriate, furthered not only standardization through its activities related to accreditation but also the professionalization of administrators and the involvement of business interests in higher education. By the mid-1920s, the ACE began to invite business and trade associations for membership. Neither development was conducive to academic freedom or faculty participation in governance, and both affect the development of higher education to this day.[3]

In conclusion, we consider three developments: the AAUP's involvement in academic freedom in the 1920s, its involvement in governance in the 1930s, and, finally, Lovejoy's own assessment of the first five years of the AAUP's history.

Academic Freedom

Although the 1920s were, as pointed out by the ACLU, a difficult decade for academic freedom, the investigative activities of the AAUP during that decade did not reflect this fact: it only published fourteen investigative reports between 1920 and 1929, compared to the eleven published between 1915 and 1919. Instead, one strand in the development of the association in the 1920s and beyond was to collaborate with organizations representing institutional authorities, in particular with the AAC, in the formulation of standards on academic freedom and tenure so as to increase the likelihood that institutions would adopt such standards. This idea originated with Tyler, who deserves much of the credit for pursuing it and for bringing it to first fruition in 1925, although it took another fifteen years for this effort to reach its crowning achievement with the 1940 *Statement of Principles on Academic Freedom and Tenure*.

Tyler first suggested to AAUP president Frank Thilly early in 1917 that the AAUP hold a conference with a number of associations representing administrators to "win a campaign instead of a battle." Tyler particularly hoped that, in addition to bringing about widespread adoption of the AAUP's principles, such a strategy could address the concerns of those who had opposed the exclusion of university presidents from membership in the AAUP. In response, Thilly expressed concern over the risk of failure in the face of a united front of multiple associations opposing the position of the AAUP: what "if it were reported that all the conferees with the exception of those representing the professorate had agreed upon certain principles of procedure?" Thilly added, "at present, we are slowly winning a battle here and there . . . taking one army at a time; might not an unsuccessful conference with the united representatives of our friend, the enemy, lead to a solid front against us?" And thus the issue would rest for a while.[4]

By the end of his presidency, Lovejoy reported to the membership his endorsement of Tyler's proposal to the association's council. Yet it took until 1925 for Tyler to use his role as the AAUP's representative to the ACE to bring about a conference of eight educational associations, under the auspices of the ACE and under Tyler's chairmanship, to formulate the 1925 *Conference Statement on Academic Freedom and Academic Tenure*. The

adoption of the compromise position faced significant opposition at the AAUP's annual meeting, however, and would only be adopted in 1926 together with provisions that weakened its force as far as the AAUP was concerned. Yet the AAC adopted the statement willingly, because it was actually based in many ways on a proposal that its own committee had formulated in 1922.[5]

Given the avowed focus of Committee A on procedural aspects of tenure, perhaps the most important advance of the 1925 *Conference Statement* was the joint recognition by the conference of the expectation of both faculty and governing board action in cases of dismissal for cause, and of an opportunity for accused faculty members to face their accusers and be heard in their own defense. Yet the definition of academic freedom it provided fell short of what the association had posited in 1915. In particular, it explicitly prohibited classroom discussion of "controversial" topics outside of the faculty member's subject area. In contrast to Lovejoy's objections to the investigative committee's conclusion in the Bethany College case, discussed in chapter 10, the *Conference Statement* further recognized the right of "institutions of a denominational or partisan character" to impose limits on the freedom of instruction, so long as they were to be specified in advance. Demonstrating how little the association had recovered from the wartime hysteria and the Red Scare, the *Conference Statement* listed treason among the reasons for summary dismissal without a hearing "when the facts are admitted." Some of these shortcomings were among the reasons that the AAUP and AAC would reconvene to formulate a new joint statement on academic freedom and tenure in 1940.[6]

In addition to the subsequent rapprochement with the AAC, a similar development regarding the Carnegie Foundation was perhaps even more unexpected. After Henry Pritchett retired from the presidency and was replaced by former University of Washington president Henry Suzzallo, the foundation sponsored two major studies by the AAUP in the 1930s: one on college and university teaching and one on the impact of the Great Depression on higher education. Similarly, the AAUP and TIAA subsequently developed cordial relations, and in the early 1950s, following an invitation to the AAUP to report on the activities of TIAA, AAUP general secretary Ralph Himstead served as a trustee of TIAA.[7]

Governance

The goal of democratizing university governance did not receive extensive attention in the AAUP for some time after the publication of the 1920

Committee T report, although it continued to be promoted outside of the AAUP by such activists as John Kirkpatrick. But this situation changed when Cornell University philosophy professor George Holland Sabine chaired the committee during the age of the New Deal. In the committee's 1938 report, he pointed explicitly to the political circumstances that had led to the formulation of the 1920 report and how they differed from the ones prevailing now:

> It is not in the spirit of the times—not so much as it was twenty years ago—to allow the claims of efficiency, responsibility, and precision of action to wait upon democracy. Least of all can the friends of democratic government in universities wish that the participation of faculties in administration should be what conservatives contemptuously call "a concession to allay the discontent of the masses." The sharing of the labor of administration between administrative officers and faculty committees must rest squarely upon the claim that by this means better government is secured.[8]

And so, as the attitude toward reform shifted nationally, it again shifted in the context of democratizing university governance.

Even where some measure of reform had occurred, such reforms could be fragile. After the adoption of the Ohio State University constitution facilitated by Leighton in 1920, the situation at the institution continued to deteriorate. By 1925, the AAUP published excerpts of the bylaws of the governing board that appeared to abrogate much of what had been achieved in the constitution, and by 1930, in spite of provisions regarding the security of tenure in that constitution, the Ohio State University was under investigation over an academic freedom case—that of sociology professor Herbert Miller. Miller was dismissed following an address in opposition to British rule in India, which he had given "in Bombay on March 12 at a gathering of Hindus on the eve of Gandhi's 'salt march.' " The investigative report remarked on a "curt and dictatorial attitude of the Board toward the Faculty" as well as a "reluctance to cooperate effectively with the Faculty in important matters of educational policy."[9]

While the exclusion of presidents from membership at the organizational meeting in 1915 was not accompanied by a similar exclusion of deans, by 1934 the further development of "the administration" as a third, separate constituency of institutional governance had advanced sufficiently for the AAUP's council to declare deans ineligible to join.[10]

Lovejoy and the AAUP

Toward the end of his term as president and of the decade that saw the founding of the AAUP, Lovejoy wrote in response to a letter from fellow philosopher and University of Michigan professor Roy Wood Sellars,

> That, however, you should be of the opinion that the Association itself is a mild, fainéant, and ultra-conservative body strikes me as surprising, and to be quite frank, somewhat exasperating. . . . It would be a great pity . . . if any considerable number of teachers should take the attitude . . . for in that case we should neither get many-sided or thoroughly representative discussion, nor should we have the force of a united body in the efforts which we are making to bring about various specific reforms in university government, judicial procedure, and the like.[11]

That the association, which had to fend off charges of radicalism and a "trade unionism of spirit" during its organizational phase, was now considered by some to be a conservative force was clearly puzzling to Lovejoy. There were in fact good reasons for both of these views of the association based on its activities during the first five years of its existence, and both views would prevail. As Timothy Reese-Cain has documented, the 1920s brought organized challenges to the AAUP representing each of the two views: from the ACLU and the American Federation of Teachers, and from the AAC's Commission on Academic Freedom and Academic Tenure. These challenges would shape the future development of the AAUP.[12]

Lovejoy explained to Sellars that his view of the association was strongly influenced by conditions in his local chapter at the University of Michigan, which Lovejoy, based on Sellars's description, considered to be deplorable. Given the activities of chapters at the universities of Texas and Minnesota, it would not have been surprising had faculty there thought of the AAUP along the lines that Sellars did, and during the organizational phase, Edward Capps had raised the prescient concern that activities of local chapters would reflect on the association as a whole. In defense of the association's record, Lovejoy highlighted to Sellars the success achieved in the Levine case in Montana to demonstrate the effectiveness of the association. Lovejoy further found that the main objective of the association was educational, "especially the education of boards of trustees and of the public at large," and "to create a wholesome esprit de corps and a keener sense of professional obligation among our own profession." Lovejoy observed that the AAUP was making progress in both areas and pointed to a simultaneous example of success in each: he explained that a faculty member who had accepted a

position at Washburn College following the dismissal of Kirkpatrick withdrew his acceptance, having inquired with Lovejoy over the situation at the institution. This Lovejoy considered to be "an educational process of a very genuine sort" for Washburn's governing board. Lovejoy recognized that these campus-by-campus efforts were slow—"all campaigns of education take time"—yet, he added, "it has never appeared to me that the fact was a sound reason for refusing to attempt to carry them on."[13]

APPENDIX

Officers of the AAUP, Members of Committee A, and Members of Investigative Committees, 1915–20

Presidents
1915: John Dewey (Philosophy, Columbia University)
1916: John Wigmore (Law, Northwestern University)
1917: Frank Thilly (Philosophy, Cornell University)
1918: John Coulter (Botany, University of Chicago)
1919: Arthur Lovejoy (Philosophy, Johns Hopkins University)
1920: Edward Capps (Classics, Princeton University)

Secretaries
1915: Arthur Lovejoy (Philosophy, Johns Hopkins University)
1916–30: Harry Walter Tyler (Mathematics, Massachusetts Institute of Technology) (Tyler also served as general secretary 1930–33 and 1935–36.)

Members of the Committee on Academic Freedom and Academic Tenure[1]
1915: E. R. A. Seligman, Chair, Columbia University; C. E. Bennett, Cornell University; J. Q. Dealey, Brown University; R. T. Ely, University of Wisconsin; H. W. Farnam, Yale University; F. A. Fetter, Princeton University; F. H. Giddings, Columbia University; C. A. Kofoid, University of California; A. O. Lovejoy, Johns Hopkins University; F. W. Padelford, University of Washington (Seattle); Roscoe Pound, Harvard University; H. C. Warren, Princeton University; U. G. Weatherly, Indiana University

1916–17: A. A. Young, Chair, Cornell University; C. E. Bennett, Cornell University; W. B. Cannon, Harvard University; R. T. Ely, University of Wisconsin; F. A. Fetter, Princeton University; F. H. Hodder, University of Kansas; George Lefevre, University of Missouri; J. P. Lichtenberger, University of Pennsylvania; F. R. Lillie, University of Chicago; A. O. Lovejoy, Johns Hopkins University; D. O. McGovney, University of Missouri; F. M. Padelford, University of Washington (Seattle); G. M. Stratton, University of California; U. G. Weatherly, Indiana University

1918: same as 1917 with F. R. Lillie, Acting Chair, University of Chicago

1919: same as 1917 with F. R. Lillie, Acting Chair, University of Chicago, and A. O. Lovejoy, Acting Chair, Johns Hopkins University

1920: F. S. Deibler, Chair, Northwestern University; C. M. Andrews, Yale University; H. M. Bates, University of Michigan; R. T. Ely, University of Wisconsin; F. A. Fetter, Princeton University; F. H. Hodder, University of Kansas; George Lefevre, University of Missouri; J. P. Lichtenberger, University of Pennsylvania; F. R. Lillie, University of Chicago; A. O. Lovejoy, Johns Hopkins University; D. O. McGovney, University of Iowa; F. M. Padelford, University of Washington (Seattle); G. L. Roberts, Purdue University

Investigative Committees[2]

July 1915, University of Utah (1915)
Committee: E. R. A. Seligman, Chair, Columbia University; John Dewey, Columbia University; F. A. Fetter, Princeton University; J. P. Lichtenberger, University of Pennsylvania; A. O. Lovejoy, Johns Hopkins University; Roscoe Pound, Harvard University; H. C. Warren, Princeton University

April 1916, University of Colorado (1915)
Committee: E. R. A. Seligman, Chair, Columbia University; C. E. Bennett, Cornell University; J. Q. Dealey, Brown University; R. T. Ely, University of Wisconsin; H. W. Farnam, Yale University; F. A. Fetter, Princeton University; F. H. Giddings, Columbia University; C. A. Kofoid, University of California; A. O. Lovejoy, Johns Hopkins University; F. W. Padelford, University of Washington (Seattle); Roscoe Pound, Harvard University; H. C. Warren, Princeton University; U. G. Weatherly, Indiana University

April 1916, Wesleyan University (1913)
Committee: E. R. A. Seligman, Chair, Columbia University

May 1916, University of Pennsylvania (1915)
Committee: A. O. Lovejoy, Chair, Johns Hopkins University; D. R. Dewey, Massachusetts Institute of Technology; H. W. Farnam, Yale University; F. H. Giddings, Columbia University; Roscoe Pound, Harvard University

April 1917, University of Washington (1915)
Committee: H. B. Torrey, Chair, Reed College; W. D. Briggs, Stanford University; O. K. McMurray, University of California

May 1917, University of Montana (1915)
Committee: C. A. Kofoid, Chair, University of California; A. O. Lovejoy, Johns Hopkins University; G. H. Marx, Stanford University; F. M. Padelford, University of Washington (Seattle)

May 1917, College of Wooster (1916)
Committee: H. A. Aikins, Chair, Western Reserve University; J. E. Hagerty, Ohio State University; A. S. Hershey, Indiana University; W. H. Hobbs, University of Michigan; A. W. Moore, University of Chicago

December 1917, Allegheny College (1916)
Committee: Nevin Fenneman, Chair, University of Cincinnati; B. P. Bourland, Western Reserve University; J. A. Leighton, Ohio State University; M. A. Rosanoff, University of Pittsburgh

May 1919, Bethany College (1917)
Committee: W. M. Forrest, Chair, University of Virginia; G. D. Hancock, Washington and Lee University

May 1919, University of Montana (1919)
Committee: F. S. Deibler, Chair, Northwestern University

November–December 1919, Colorado College (1917)
Committee: E. H. Hollands, Chair, University of Kansas; F. S. Deibler, Northwestern University; George Lefevre, University of Missouri; J. L. Lowes, Harvard University; H. A. Miller, Oberlin College

May 1920, Colorado School of Mines (1917)
Committee: M. F. Libby, Chair, University of Colorado; J. M. Coulter, University of Chicago; H. O. Hofman, Massachusetts Institute of Technology; A. A. Potter, Kansas State University

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NOTES

Abbreviations

AAC	Association of American Colleges
AAU	Association of American Universities
AAUP	American Association of University Professors
AAUP 1913–18	American Association of University Professors Records, #11/8/mf.33. Division of Rare and Manuscript Collections, Cornell University Library
AAUP Archives	AAUP Offices, Washington, DC
AAUP Archives (GWU)	George Washington University, Special Collections
ACLU	American Civil Liberties Union
BAAUP	*Bulletin of the American Association of University Professors*
Cattell Papers (Columbia)	James McKeen Cattell Papers, 1890–1922. Rare Book and Manuscript Library, Columbia University Library
Cattell Papers (LoC)	James McKeen Cattell Papers, Manuscript Division, Library of Congress, Washington, DC
CFAT	Carnegie Foundation for the Advancement of Teaching
CFAT Records	Carnegie Foundation for the Advancement of Teaching Records, 1905–79, Columbia University, Special Collections
Dewey Correspondence	*The Correspondence of John Dewey, 1872–1952*. Edited by Larry A. Hickman, Barbara Levine, Anne Sharpe, and Harriet Furst Simon (Charlottesville, VA: InteLex, 1999)
Elliott Papers	Edward C. Elliott Papers, 1890–1975, Purdue University Libraries, Archives and Special Collections
GPO	Government Printing Office
Lorwin Papers	Lewis Levitzki Lorwin Papers, 1908–70. Rare Book and Manuscript Library, Columbia University Library
Lovejoy Papers	Arthur O. Lovejoy Papers: 1872–1963, Special Collections, Johns Hopkins University
Pound Papers	Roscoe Pound Papers, 1888–1964 (microfilm)
Ross Papers	Edward A. Ross Papers, 1859–1969 (microfilm); Series A: Correspondence

Seligman Papers	Edwin Robert Anderson Seligman Papers, Rare Book and Manuscript Library, Columbia University Library
Stone Papers	Harlan Fiske Stone Papers, 1911–24, Rare Book and Manuscript Library, Columbia University Library
TIAA	Teachers Insurance and Annuities Association
UC President	University of Chicago, Office of the President. Harper, Judson and Burton Administrations. Records, Special Collections Research Center, University of Chicago Library

Introduction. The University Question

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16. Charles Richard Van Hise, "The Appointment and Tenure of University Professors," *Science* 33 (Feb. 17, 1911): 246. Samuel P. Hays, "The Politics of Reform in Municipal Government in the Progressive Era," *Pacific Northwest Quarterly* 55 (Oct. 1964): 157–69.

17. Stanley Raymond Rolnick, "The Development of the Idea of Academic Freedom in American Higher Education 1870–1920" (PhD diss., University of Wisconsin, 1951), 342–43. Robert K. Carr, "Foreword," in Clark Byse and Louis Joughin, *Tenure in American Higher Education: Plans, Practices, and the Law* (Ithaca, NY: Cornell University Press, 1959), v.

18. For a biography of Lovejoy, see Daniel J. Wilson, *Arthur O. Lovejoy and the Quest for Intelligibility* (Durham: University of North Carolina Press, 1980).

19. Lovejoy to Cattell, August 29, 1912, Cattell Papers (LoC), Box 27.

20. Arthur O. Lovejoy, "The Profession of the Professorate," *Johns Hopkins Alumni Magazine* 2 (Nov. 1913 to June 1914): 186–87.

21. Ibid., 187, 189.

22. Ibid., 190–91.

23. For a biography of Seligman, see Joseph Dorfman, *Dictionary of American Biography* (supplement 2), s.v. "Edwin R. A. Seligman."

24. Edwin R. A. Seligman, "The Real University," *Educational Review* 52 (Nov. 1916): 332. "At the Laying of the Cornerstone of the Office Building of the House Of Representatives, Saturday, April 14, 1906," in Theodore Roosevelt, *Presidential Addresses and State Papers: April 14, 1906 to January 14, 1907* (New York: Review of Reviews, 1910), 719.

25. Seligman, "Real University," 334–35.

26. Walter Metzger, *Academic Freedom in the Age of the University* (New York: Columbia University Press, 1964), chaps. 3–4. On the relationship between academic freedom and professionalization in the social sciences, see Mary O. Furner, *Advocacy and Objectivity: A Crisis in the Professionalization of American Social Science, 1865–1905* (New Brunswick, NJ: Transaction, 2010 [1975]).

27. Laurence R. Veysey, *The Emergence of the American University* (Chicago: University of Chicago Press, 1970), 384–85. Regarding the role of social scientists in the development of academic freedom, see, generally, Furner, *Advocacy and Objectivity.* On the composition of governing boards, see Clyde W. Barrow, *Universities and the Capitalist State* (Madison: University of Wisconsin Press, 1990), chap. 2.

28. Regarding academic freedom in each of the three kinds of institutions, see Metzger, *Academic Freedom in the Age of the University*; Hofstadter, *Academic*

Freedom in the Age of the College (New Brunswick, NJ: Transaction, 1996 [1955]); Gelber, *University and the People*, chap. 6.

29. Joseph Dorfman, *The Economic Mind in American Civilization*, vol. 3 (New York: Viking Press, 1949), 228. Pier Francesco Asso and Luca Fiorito, eds., "Edwin Robert Anderson Seligman, Autobiography (1929)," in *Documents from and on Economic Thought*, vol. 24, Part 3, Research in the History of Economic Thought and Methodology (Bingley: Emerald, 2006), 170.

30. Furner, *Advocacy and Objectivity*, chap. 9. Elizabeth Donnan, "A Nineteenth-Century Academic Cause Célèbre," *New England Quarterly* 25 (Mar. 1952): 23–46. Charles Albert Seldon, *The Andrews Controversy* (Providence, RI: Franklin Press, 1897).

31. "Current Topics," *Economic Journal* 7 (Dec. 1897): 645–46.

32. For a biography of Ross, see Julius Weinberg, *Edward Alsworth Ross and the Sociology of Progressivism* (Madison: State Historical Society of Wisconsin, 1972).

33. Furner, *Advocacy and Objectivity*, chap. 10. Metzger, *Academic Freedom in the Age of the University*, 163–72. Orrin Leslie Elliot, *Stanford: The First Twenty-Five Years* (Stanford, CA: Stanford University Press, 1937), 326–78. On the status of Stanford professors as Jane Stanford's servants, see Mary E. Cookingham, "Political Economy in the Far West: The University of California and Stanford University," in *Economists and Higher Learning in the Nineteenth Century*, ed. William J. Barber (North Brunswick, NJ: Transaction, 1993), 280.

34. Edwin R. A. Seligman, *Report of the Committee of Economists on the Dismissal of Professor Ross from Leland Stanford Junior University*, February 20, 1901, 6–7.

35. James C. Mohr, "Academic Turmoil and Public Opinion: The Ross Case at Stanford," *Pacific Historical Review* 39 (Feb. 1970): 39–61. Henry B. Gardner, Henry W. Farnam, and Warren J. Samuels, "The Resignation of Frank A. Fetter from Stanford University," *History of Economics Society Bulletin* 6 (Winter 1985): 17–25. "Ross Incident Again," *Indianapolis Journal* (May 3, 1901). Seligman to Lovejoy, May 12, 1901, Seligman Papers, "Cataloged Correspondence."

36. Asso and Fiorito, "Edwin Robert Anderson Seligman, Autobiography (1929)," 170. The copy of the Ross report is in UC President, Box 23, Folder 13.

37. Furner, *Advocacy and Objectivity*, chap. 8. Harold E. Bergquist Jr., "The Edward W. Bemis Controversy at the University of Chicago," *AAUP Bulletin* 58 (Dec. 1972): 384–93.

38. Veysey, *Emergence of the American University*, 410.

39. "Freedom and Fees," *New York Times*, January 4, 1914. A statistical analysis of the frequency of expressions in favor of or opposed to academic freedom in the press can be found in Claude Charlotte Bowman, *The College Professor in America: An Analysis of Articles Published in the General Magazines, 1890–1938* (New York: Arno Press, 1977), 183–85.

40. John Dewey, "Professorial Freedom," *New York Times*, October 22, 1915. Unsigned editorial, "Free Thought in College Economics," *Gunton's Magazine* 17 (Dec. 1899): 460. The "single tax" was a proposal by economist Henry George to tax only the ownership of land and not production. He outlined his view in 1879: Henry George, *Progress and Poverty* (Cambridge: Cambridge University Press, 2009). On "free love" as a limiting case of academic freedom in the negotiations between the AAUP and the Association of American Colleges, see Walter P. Metzger, "1940 Statement of Principles on Academic Freedom and Tenure," *Law and Contemporary Problems* 53 (Summer 1990): 61.

41. James C. Mohr, "Academic Turmoil and Public Opinion: The Ross Case at Stanford," *Pacific Historical Review* 39 (Feb. 1970): 51. John Dewey, "Academic Freedom," *Educational Review* 23 (Jan. 1902): 9.

42. Veysey, *Emergence of the American University,* 416. Walter P. Metzger, "Some Perspectives on the History of Academic Freedom," *Antioch Review* 13 (Autumn 1953): 276.

43. Ross to Theodore Schroeder, December 14, 1912, AAUP Archives, Lovejoy File.

44. On Bemis's later career, see Furner, *Advocacy and Objectivity*, 198. On Ross's employment at Nebraska, see ibid., 252. James McKeen Cattell, "Democracy in University Administration," *Science* 39 (Apr. 3, 1914): 494.

45. "Says Rich Men Are Bullies," *Chicago Daily Tribune*, October 4, 1907. Harry Pratt Judson to Charles Zueblin, November 18, 1907; Charles Zueblin to Harry Pratt Judson, November 23, 1907; Harry Pratt Judson to Charles Zueblin, November 27, 1907, UC President, Box 89, Folder 18. On Zueblin, see Steven J. Diner, "Department and Discipline: The Department of Sociology at the University of Chicago, 1892–1920," *Minerva* 13 (Winter 1975): 525–26. Mary Jo Deegan, *Jane Addams and the Men of the Chicago School, 1892–1918* (New Brunswick, NJ: Transaction, 1988), 177–78. Zueblin's name is frequently misspelled as "Zeublin."

46. Judson to Zueblin, March 7, 1908; D. A. Robertson to Managing Editor of Memphis Scimitar, May 8, 1908, UC President, Box 89, Folder 18.

47. "Discussion," in *Papers and Proceedings: Ninth Annual Meeting, American Sociological Society, Held at Princeton, NJ, December 28–31, 1913* (Chicago: University of Chicago Press, 1915), 165–66.

48. Elliot, *Stanford*, 333.

49. The claim appears to have been originated by Rolnick, "Development of the Idea of Academic Freedom," 237. He specifically attributes the absence to the more liberal political culture of the early twentieth century. Similar claims regarding the absence of cases can be found in Veysey, *Emergence of the American University*, 416; Walter Metzger, "Academic Tenure in America: A Historical Essay," in *Faculty Tenure: A Report and Recommendations by the Commission on Academic Tenure in Higher Education*, ed. William R. Keast and John W. Macy (San Francisco: Jossey-Bass, 1973), 145. Lovejoy, "Profession of the Professorate," 184.

50. Mecklin to Ross, May 16, 1913, Ross Papers, Reel 7.

51. Arthur O. Lovejoy et al., "The Case of Professor Mecklin: Report of the Committee of Inquiry of the American Philosophical Association and the American Psychological Association," *Journal of Philosophy, Psychology and Scientific Methods* 11 (Jan. 29, 1914): 76.

52. "Scientific Notes and News," *Science* 37 (June 27, 1913): 976. John M. Mecklin, "Letter from Professor Mecklin," *Journal of Philosophy, Psychology and Scientific Methods* 10 (Sept. 25, 1913): 559–60.

53. Lovejoy et al., "Case of Professor Mecklin," 78–79.

54. Ibid., 81.

55. Ibid., 78.

56. David B. Skillman, *The Biography of a College: Being the History of the First Century of the Life of Lafayette College* (Easton, PA: Lafayette College, 1932), 194.

57. Ibid., 199.

Chapter Three: The Carnegie Foundation for the Advancement of Teaching

1. Arthur S. Link, "What Happened to the Progressive Movement in the 1920's?" *American Historical Review* 64 (July 1959): 836. Samuel Haber, *Efficiency and Uplift: Scientific Management in the Progressive Era 1890–1920* (Chicago: University of Chicago Press, 1964), 167. Thomas C. Leonard, "American Economic Reform in the Progressive Era: Its Foundational Beliefs and Their Relation to Eugenics," *History of Political Economy* 41, no. 1 (2009): 121.

2. Henry S. Pritchett, "The Critics of the College," *Atlantic Monthly* 114 (Sept. 1914): 338. Clyde W. Barrow, *Universities and the Capitalist State* (Madison: University of Wisconsin Press, 1990), chap. 3. Barrow, "Corporate Liberalism, Finance Hegemony, and Central State Intervention in the Reconstruction of American Higher Education," *Studies in American Political Development* 6 (Fall 1992): 420–44.

3. Henry S. Pritchett, "Shall the University Become a Business Corporation," *Atlantic Monthly* 96 (Sept. 1905): 298. James McKeen Cattell, "The University and Business Methods," *The Independent* 59 (Dec. 28, 1905): 1515.

4. Ellen Condliffe Lagemann, *Private Power for the Public Good: A History of the Carnegie Foundation for the Advancement of Teaching* (Middletown, CT: Wesleyan University Press, 1999), 37–55. Pritchett, "Critics of the College," 333. "To the Members of the Corporation of the Carnegie Foundation," in CFAT, *First Annual Report of the President and the Treasurer* (New York: Author, 1906), 15–16.

5. Theron F. Schlabach, *Pensions for Professors* (Madison: State Historical Society of Wisconsin for the Department of History, University of Wisconsin, 1963), 12–14, 24. Bryan's quote is in Robert E. Knoll, *Prairie University: A History of the University of Nebraska* (Lincoln: University of Nebraska Press, 1995), 54.

"Carnegie 'Denaturizing' the Church Colleges," *Literary Digest* 40 (Jan. 15, 1910): 102.

6. "Rules for Granting of Retiring Allowances," *First Annual Report of the President and the Treasurer*, 79. "Introduction," in CFAT, *Standard Forms for Financial Reports of Colleges, Universities, and Technical Schools* (New York: Author, 1910), 2–3. Pritchett, "Critics of the College," 334. On the Flexner report, see Lagemann, *Private Power for the Public Good*, 66–74. Darrow, *Universities and the Capitalist State*, 89. C. D. Jarvis, "The College Catalogue," *Higher Education Circular* 13 (Jan. 1919): 1. Roger L. Geiger, *To Advance Knowledge: The Growth of the American Research University, 1900–1940* (New Brunswick, NJ: Transaction, 2004), 46.

7. James McKeen Cattell, "The Fifth Annual Report of the President of the Carnegie Foundation," *Science* 33 (Mar. 3, 1911): 334. "The Creed of Normal Schools," *American Schoolmaster* 7 (Oct. 1914): 373.

8. "Tenure of Office and the Method of Appointment in American Colleges and Universities," in CFAT, *The Financial Status of the Professor in America and Germany* (New York: Author, 1908), 55–56.

9. Henry S. Pritchett, "Reasonable Restrictions upon the Scholar's Freedom," in *Papers and Proceedings: Ninth Annual Meeting, American Sociological Society, Held at Princeton, NJ, December 28–31, 1913* (Chicago: University of Chicago Press, 1915), 150–59.

10. David Levy, *The University of Oklahoma: A History*, vol. 1, *1890–1917* (Norman: University of Oklahoma Press, 2008), chaps. 6–7. "At the University of Oklahoma," *Science* 28 (Oct. 9, 1908): 488–89. "In Oklahoma," *Science* 29 (May 7, 1909): 731. "May Not Be Orthodox," *Quinlan Mirror* (May 28, 1908). Pritchett to Parrington, July 17, 1908, CFAT Records, Box 64, Folder 13.

11. Parrington to Pritchett, July 23, 1908, CFAT Records, Box 64, Folder 13. Levy, *University of Oklahoma*, 168n53. "University of Oklahoma," in CFAT, *Third Annual Report of the President and the Treasurer* (New York: Author, 1908), 90.

12. Pritchett, "Critics of the College," 337. "University of Oklahoma," 82–91.

13. Morris Lyewellyn Cooke, *Academic and Industrial Efficiency* (New York: CFAT, 1910), iv. 15. "Commercialism in Education," *Science* 33 (Feb. 24, 1911): 303–4. "The Progress of Science," *Popular Science Monthly* 78 (Jan. 1911): 101.

14. James McKeen Cattell, "The Carnegie Foundation for the Advancement of Teaching," *Science* 29 (Apr. 2, 1909): 533.

15. Ibid., 536.

16. "The Carnegie Foundation for the Advancement of Teaching and the George Washington University," *Science* 29 (June 18, 1909): 964–65. Charles W. Needham, "The Plans and Work of the George Washington University," *Science* 29 (June 25, 1909): 987–92. Needham to Pritchett, June 11, 1909, CFAT Records, Box 52, Folder 14.

17. "American College Panic," *Washington Post*, June 16, 1909. Pritchett to Needham, July 7, 1909, CFAT Records, Box 52, Folder 14. "The George Washington University," in *Fourth Annual Report of the President and the Treasurer* (New York: CFAT, 1909), 42. "Colleges Warned," *Washington Post*, June 14, 1909.

18. Pritchett, "Reasonable Restrictions upon the Scholar's Freedom," 155. Joseph Jastrow, "Ten Years of the Carnegie Foundation," *School and Society* 4 (Oct. 7, 1916): 535.

19. "The Working of the Rules for Retirement and their Betterment," in *Fourth Annual Report of the President and the Treasurer*, 72.

20. Daniel J. Wilson, *Arthur O. Lovejoy and the Quest for Intelligibility* (Chapel Hill: University of North Carolina Press, 1980), 115. Arthur O. Lovejoy, "The Retrospective Anticipations of the Carnegie Foundation," *Science* 31 (Mar. 18, 1910): 414–15.

21. "Correspondence in Regard to the Length of Service Pensions of the Carnegie Foundation," *Science* 32 (Dec. 2, 1910): 797–800.

22. Jastrow, "Ten Years of the Carnegie Foundation," 535. Heller to Pritchett, December 19, 1914, CFAT Records, Box 41, Folder 16. Arthur O. Lovejoy, "The Metamorphosis of the Carnegie Foundation," *Science* 37 (Apr. 11, 1913): 548. Lovejoy to Cattell, November 4, 1910; Lovejoy to Cattell, May 13, 1912; Lovejoy to Cattell, March 27, 1913, Cattell Papers (LoC), Box 27.

23. Heller to Pritchett, December 19, 1914, CFAT Records, Box 41, Folder 16.

24. Pritchett to Heller, January 8, 1915; Heller to Pritchett, February 12, 1915, CFAT Records, Box 41, Folder 16. James McKeen Cattell, "The Length of Service Pensions of the Carnegie Foundation," *Science* 31 (Mar. 11, 1910): 386.

Chapter Four: The Committee of Nine

1. The Fisher files are in AAUP 1913–18, "Fisher Case, Wesleyan, Folder 1" and "Fisher Case, Wesleyan, Folder 2." Fisher's account is "Willard C. Fisher's Statement of the Circumstances of His Dismissal from the Faculty of Wesleyan University, January 27, 1913," in "Fisher Case, Wesleyan, Folder 1." "Close Churches Sunday," *New York Times*, January 24, 1913.

2. "Willard C. Fisher's Statement." Cattell's letter to Fisher is appendix 10 to Fisher's statement. "Correspondence between the President of Wesleyan University and the Professor of Economics and Social Science," *Science* 37 (Feb. 14, 1913): 254–55. J. E. Creighton, "Academic Freedom," *Science* 37 (Mar. 21, 1913): 450–51. "Correspondence between Professor Willard C. Fisher and President Shanklin," *American Economic Review* 3 (Mar. 1913): 255–58. Kemmerer's correspondence with Shanklin and governing board president John C. Clark are in AAUP 1913–18, "Fisher Case, Wesleyan, Folder 1."

3. "Willard C. Fisher's statement." Pearne is not named in the statement but in two letters included as appendices 12 and 13. Kemmerer is the likely author of an

obituary for Fisher, whom he called "an excellent teacher, a thorough scholar, and a fearless and socially-minded public official." E. W. K., "Willard Clark Fisher," *American Economic Review* 23 (Dec. 1933): 798.

4. On the AEA's response in the Andrews case, see Mary O. Furner, *Advocacy and Objectivity: A Crisis in the Professionalization of American Social Science, 1865–1905* (New Brunswick, NJ: Transaction, 2010 [1975]), 215–20. On its response in the Ross case, see A. W. Coats, "Economists, the Economic Profession, and Academic Freedom in the United States," in *Academic Freedom on Trial*, ed. W. Lee Hansen (Madison: University of Wisconsin Press, 1998), 129.

5. "Minutes of Business Meetings at Minneapolis," in "Supplement, Papers and Proceedings of the Twenty-Sixth Annual Meeting of the American Economic Association," supplement, *American Economic Review* 4 (Mar. 1914): 196–97. Small to Ross, March 4, 1914. Ross Papers, Reel 7. "Minutes: Joint Committee on Academic Freedom" (June 2, 1914), AAUP 1913–18, "January 1, 1914 to August 19, 1914."

6. Daniel H. Pollitt and Jordan E. Kurland, "Entering the Academic Freedom Arena Running: The AAUP's First Year," *Academe* 84 (July–Aug. 1998): 45–52.

7. Furner, *Advocacy and Objectivity*, 257.

8. Lovejoy noted at the time that the creation of the joint committee of nine was part of a movement toward the professionalization of the professoriate. "The Profession of the Professorate," *Johns Hopkins Alumni Magazine* 2 (Nov. 1913 to June 1914): 192.

9. The committee's charge is noted in "Minutes of Business Meetings at Minneapolis," 197.

10. A. W. Coats, "The American Economic Association, 1904–29," *American Economic Review* 54 (June 1964): 268–75.

11. Ross to Pound, March 13, 1914, Ross Papers, Reel 7. On Ross and Pound, see David Wigdor, *Roscoe Pound: Philosopher of Law* (Westport, CT: Greenwood Press, 1974), 111–13.

12. On Ely's case, see Furner, *Advocacy and Objectivity*, chap. 7, and, generally, Hansen, *Academic Freedom on Trial*.

13. Moore to Seligman, May 2, 1914, and Seligman to Moore, May 3, 1914. AAUP 1913–18, "January 1, 1914 to August 19, 1914."

14. Dealey's signature is in Charles Albert Seldon, *The Andrews Controversy* (Providence, RI: Franklin Press, 1897), 23. On Judson, see Mondale Gersman, "Progressive Reform of the St. Louis School Board, 1897," *History of Education Quarterly* 10 (Spring 1970): 3–21. Lovejoy, "Profession of the Professorate," 194.

15. Small to Ross, March 4, 1914. Edwin R. A. Seligman, "Discussion: The Committee on Academic Freedom of the American Association of University Professors," *Educational Review* (Sept. 1915): 184. U. G. Weatherly, "Discussion," in *Proceedings of the Second Annual Meeting of the Association of American Colleges* (Fayette, IA: AAC, 1916), 171–72. A. W. Coats, "The American Economic Association and the Economics Profession," *Journal of Economic Literature* 23

(Dec. 1985): 1706. Gray to Seligman, January 26, 1914; Seligman to Gray, February 3, 1914, AAUP 1913–18, "January 1 to August 19, 1914."

16. "Minutes: Joint Committee on Academic Freedom" (June 2, 1914); Henry Pritchett to Seligman, August 19, 1914. AAUP 1913–18, "January 1 to August 19, 1914."

17. Seligman to Members of the Joint Committee on Academic Freedom, August 26, 1914; Pound to Seligman, September 23, 1914, AAUP 1913–18, "August 20, 1914 to June 9, 1915."

18. Pritchett to Seligman, July 30, 1914, AAUP 1913–18, "January 1 to August 19, 1914." Shanklin to Pritchett, August 10, 1914, CFAT Records, Box 78, Folder 6. "Fisher Inquiry Stirs Wesleyan," *The Sun*, June 28, 1914. "Minutes of the Executive Committee," May 14, 1915. CFAT Records, Box 2, Folder 4.

19. "Minutes of the Joint Committee," November 28, 1914, AAUP 1913–18, "August 20, 1914 to June 9, 1915." Seligman to Fisher, January 9, 1915; Fisher to Seligman, January 18, 1915, AAUP 1913–18, "Fisher Case, Wesleyan, Folder 2." "Summary Report of the Committee on Academic Freedom and Academic Tenure on the Case of Professor Willard C. Fisher of Wesleyan University," *BAAUP* 2 (Apr. 1916): 73–76.

20. "Report on the Dismissal of Willard C. Fisher from Wesleyan University," AAUP 1913–18, "Fisher Case, Wesleyan, Folder 1." A contemporary critique of the inclusion of extramural speech in definitions of academic freedom can be found in William W. Van Alstyne, "The Specific Theory of Academic Freedom and the General Issue of Civil Liberty," in *The Concept of Academic Freedom*, ed. Edmund L. Pincoffs (Austin: University of Texas Press, 1972), 59–85.

21. Guy Stanton Ford to Seligman, November 24, 1915, AAUP 1913–18, "Fisher Case, Wesleyan, Folder 2."

22. Historian Erving Beauregard claims that the Smith case was not one of academic freedom violation but instead a case of "financial exigency." "Academic Freedom: A Cause Célèbre Revisited," *Continuity: A Journal of History* 3 (1981): 111–19. Smith commented on his experience at Marietta between 1895 and 1897 in a letter that he copied to the joint committee. In it, he states that he was repeatedly informed that Mills did not approve of his views. Mills informed Smith at the end of his second year that he was not being retained for financial reasons. The presence of financial reasons, which Beauregard verifies, nevertheless leaves open the possibility that not retaining Smith rather than another faculty member was based on Mills's disapproval of his views. Thus it is not by itself sufficient to disprove the claim that the Smith case was an academic freedom violation, given the evidence cited by Smith. J. Allen Smith to Robert C. Brooks, May 30, 1914, "Outline of Facts Regarding the 'Voluntary' Resignation of Professor Morse," AAUP 1913–18, "Marietta Case." "Academic Freedom at Marietta College," CFAT Records, Box 58, Folder 12.

23. Upton Sinclair, *The Goose-Step* (Pasadena, CA: Author, 1923), 341. George Hinman, "Republic or Democracy: Which?" AAUP 1913–18, "Marietta

Case." William Mills to Henry Pritchett, July 13, 1914; Seligman to Pritchett, December 1, 1914. CFAT Records, Box 58, Folder 12. The quote about Morse's political stance is from *Ohio Teacher* 34 (May 1914): 454.

24. "Minutes of the Joint Committee," November 28, 1914, AAUP 1913–18, "August 20, 1914 to June 9, 1915." "Preliminary Report of the Joint Committee on Academic Freedom and Academic Tenure," *American Economic Review* 5 (Mar 1915): 316–23.

25. "Preliminary Report of the Joint Committee on Academic Freedom and Academic Tenure," 316.

26. Ibid., 316–17.

27. Ibid., 316–19.

28. Ibid., 318–19.

29. Ibid., 318.

30. J. Q. Dealey, "Tentative Draft of Statement re Academic Freedom"; F. N. Judson, "Suggestions for Report of Committee of American Political Science Association"; U. G. Weatherly, "Notes for Report on Academic Freedom," AAUP 1913–18, "Reports 1914–1917 Folder 1."

31. Frank Fetter to Seligman, December 13, 1914, AAUP 1913–18, "August 20, 1914 to June 9, 1915." "Suggested Preliminary Report to the Association in Dec. 1914" (marked "Fetter"), AAUP 1913–18, "Reports 1914–1917 Folder 2."

32. "Suggested Preliminary Report to the Association in Dec. 1914" (marked "Fetter"). "Preliminary Report of the Joint Committee on Academic Freedom and Academic Tenure" (draft marked "Fetter"), AAUP 1913–18, "Reports 1914–1917 Folder 1."

33. "Preliminary Report of the Joint Committee on Academic Freedom and Academic Tenure," 321.

34. Ibid., 322.

Chapter Five: The Founding of the AAUP

1. Lovejoy to Cattell, February 3, 1912, and April 3, 1912. Cattell Papers (LoC), Box 27.

2. Lovejoy to Cattell, April 2, 1913, and May 17, 1913. Cattell Papers (LoC), Box 27.

3. A copy of the call is attached to: Lovejoy to Pound, October 21, 1913. Pound Papers, Reel 9; cited hereafter as "Hopkins Call." The signatories of the letter were Joseph S. Ames, George E. Barnett, Maurice Bloomfield, James W. Bright, William B. Clark, Basil L. Gildersleeve, Edward H. Griffin, Jacob H. Hollander, H. C. Jones (apparently misspelled as "James" in the letter), A. O. Lovejoy, Frank Morley, Harry Fielding Reid, David M. Robinson, Kirby Flower Smith, John Martin Smith, and W. W. Willoughby.

4. "Hopkins Call." For a similar observation regarding the previous lack of cooperation in higher education, see Henry Suzzallo, "The Association of American University Professors," *Educational Review* 49 (Mar. 1915): 295.

5. J. E. Creighton to Lovejoy, May 23, 1913, AAUP Archives (GWU): Historical Files. Cattell to Lovejoy, May 23, 1913. AAUP Archives, Lovejoy Papers.

6. Lovejoy to Pound, October 21, 1913. Pound Papers, Reel 9.

7. J. E. Creighton to Lovejoy, November 6, 1913, and J. E. Creighton to Lovejoy, November 13, 1913. AAUP Archives (GWU): Historical Files.

8. H. Carrington Lancaster, "Memories and Suggestions," *BAAUP* 26 (Apr. 1940): 219. The other institutions represented were Clark, Columbia, Cornell, Harvard, Johns Hopkins, Princeton, and Yale. One of the two invited institutions that did not attend was Chicago; the other is unknown. For a brief biography of Marlatt, see *The Biographical Dictionary of Women in Science*, ed. Marilyn Bailey Ogilvie and Joy Dorothy Harvey (New York: Routledge, 1999), 2:844. See also 1914.06.11 (02669), Alvin S. Johnson to John Dewey, *Dewey Correspondence*.

9. Edwin W. Kemmerer to Frank A. Fetter, November 24, 1913. Fetter mss., 1875–1988, Box 1. Lilly Library, Indiana University.

10. "A National Association of University Professors," *Science* 39 (Mar. 27, 1914): 458–59.

11. See 1914.03.15? (02596), Dewey to AAUP Committee on Organization, *Dewey Correspondence*.

12. *Third Annual Report of the President and the Treasurer* (New York: CFAT, 1908), 135.

13. See 1914.03.15? (02596), Dewey to AAUP Committee on Organization. For proposals to use rankings, see 1914.04.15 (17128), Dewey to Alvin S. Johnson, and 1914.04.17 (02622), F. M. Warren to John Dewey, *Dewey Correspondence*.

14. See 1914.04.14-16 (02611), Dewey to AAUP Committee on Organization, ibid.

15. See 1914.04.17 (02623), Alvin S. Johnson to Dewey, and 1914.03.31 (02601), Pound to Dewey, ibid.

16. See 1914.04.13 (02618), Marx to Dewey, ibid.

17. See 1914.05.01 (05403), Lovejoy to Pound, ibid.

18. See 1914.05.15 (02649), Lovejoy to Dewey, ibid.

19. See 1914.05.01 (05403), Lovejoy to Pound, ibid.

20. See 1914.03.27 (02598), Alvin S. Johnson to Dewey, and 1914.04.06 (02606), George C. Comstock to Dewey, ibid.

21. See 1914.03.31 (02600), William E. Dodd to Dewey, and 1914.04.11 (02612), C. E. Mendenhall to Dewey, ibid.

22. See 1914.04.20 (02629), Capps to Dewey, and 1914.05.15 (02649), Lovejoy to Dewey, ibid.

23. "Subject Lists," AAUP Archives (GWU), Historical Files.

24. See 1914.12.04 (02696), D. H. Ahrend Co. to Dewey, *Dewey Correspondence*.

25. One example of an invitational letter is 1914.11.17 (06424), Dewey and Lovejoy to Edward Emerson Barnard, ibid.

26. "Call for the Meeting for Organization of a National Association of University Professors," *BAAUP* 2 (Mar. 1916): 11–12.

27. Ibid., 12.

28. See 1914.11.30 (02689), West to Dewey; 1914.12.07 (02699), Alexander Liwet to Dewey; 1914.12.23 (02910), William A. Heidel to Dewey, *Dewey Correspondence*.

29. See 1914.12.11 (02906), H. W. Conn to Dewey, and 1914.12.03 (02693), Thomas C. Chamberlin to Dewey, ibid.

30. Arthur O. Lovejoy, "The Association of University Professors," *Science* 40 (Nov. 20, 1914): 744.

31. See 1914.12.23 (02911), Alfred C. Lane to Dewey, *Dewey Correspondence*.

32. "Subjects: Academic Freedom I," "Subjects: Academic Freedom II," AAUP Archives, Lovejoy Papers.

33. A. O. Lovejoy, "Meeting for Organization of the Association: New York, January, 1915," *BAAUP* 2 (Mar. 1916): 14–19. "Minutes of the Meeting for the Organization of the American Association of University Professors," AAUP Archives, Lovejoy Papers. Suzzallo, "The Association of American University Professors." Morris Jastrow, "Professors in Council," *The Nation* 100 (Feb. 4, 1915): 146–47. Lancaster, "Memories and Suggestions."

34. John Dewey, "Introductory Address," *Science* 41 (Jan. 29, 1915): 148.

35. Ibid., 149.

36. Ibid.

37. Ibid., 150.

38. Ibid. John Dewey, "Academic Freedom," *Educational Review* 23 (Jan. 1902): 1–14. Dewey, "Freedom, Academic," in *Cyclopedia of Education*, vol. 2, ed. Paul Monroe (New York: Macmillan, 1911), 701.

39. See 1914.12.04 (03307), Dewey to Gildersleeve, and 1914.12.22 (03308), Dewey to Gildersleeve, *Dewey Correspondence*. Gildersleeve's letter was reprinted in "The University and the Association of University Professors," *Johns Hopkins Alumni Magazine* 3 (Nov. 1914 to June 1915): 195–97.

40. "Minutes of the Meeting for the Organization of the American Association of University Professors." Lancaster, "Memories and Suggestions," 219.

41. "Minutes of the Meeting for the Organization of the American Association of University Professors." Lancaster, "Memories and Suggestions," 220. Jastrow, "Professors in Council," 147.

42. "Minutes of the Meeting for the Organization of the American Association of University Professors." Daniel J. Wilson, *Arthur O. Lovejoy and the Quest for Intelligibility* (Durham: University of North Carolina Press, 1980), 115. For the role of the secretary in the American Economic Association, see Mary O. Furner, *Advocacy and Objectivity: A Crisis in the Professionalization of American Social*

Science, 1865–1905 (New Brunswick, NJ: Transaction, 2010 [1975]), 75. Lewis S. Feuer, "Arthur O. Lovejoy," *American Scholar* 46 (Summer 1977): 364.

43. "Minutes of the Meeting for the Organization of the American Association of University Professors." Edwin R. A. Seligman, "Discussion: The Committee on Academic Freedom of the American Association of University Professors," *Educational Review* 50 (Sept. 1915): 185–86.

44. Lovejoy, "Meeting for Organization of the Association." Josiah Royce, "The Carnegie Foundation for the Advancement of Teaching and Middlebury College," *School and Society* 1 (Jan. 30, 1915): 145–50.

45. "Minutes of the Meeting for the Organization of the American Association of University Professors."

46. *New Republic* 1 (Jan. 9, 1915): 4–5.

47. CFAT, *Ninth Annual Report of the President and the Treasurer* (New York: Author, 1914): 61.

48. "Dear Colleague," February 1, 1915. Richard T. Ely Papers (microfilm), Reel 51. *List of Charter Members of the American Association of University Professors* (New York: AAUP, May 1915).

Chapter Six: First Investigations and the Committee of Fifteen

1. Seligman to Committee on Academic Freedom, March 16, 1915, Seligman Papers, "Uncataloged Correspondence, 1913–14" (multiple letters from 1915 are filed in "Uncataloged Correspondence, 1913–14"); Howard C. Warren to Seligman, February 20, 1915, Seligman Papers, "Cataloged Correspondence."

2. Dewey to Seligman, March 26, 1915, Seligman Papers, "Cataloged Correspondence."

3. Ibid. Seligman to Committee on Academic Freedom, June 24, 1915, AAUP 1913–18, "Nearing Case." Seligman to John Dewey, April 16, 1915, Seligman Papers, "Uncataloged Correspondence, 1913–14." Fetter to Seligman, April 3, 1915, Seligman Papers, "Cataloged Correspondence." Seligman to the Committee of Fifteen, September 29, 1915, AAUP 1913–18, "Reports, 1914–1917 (Folder 2)."

4. Loya F. Metzger, "Professors in Trouble" (PhD diss., Columbia University, 1978), 44.

5. "General Report of the Committee on Academic Freedom and Academic Tenure," *BAAUP* 1 (Dec. 1915): 18. While all of the cases are identified as having been brought to the committee in 1915, the Wesleyan case, as discussed in chapter 4, was brought to the joint committee of nine in 1914. The identification in the report of one of the cases as coming from the University of Oklahoma is mistaken. Instead, according to the records of the committee, that case is the Hardee Chambliss case at Oklahoma A&M. Seligman to Lovejoy, December 1, 1915, AAUP 1913–18, "October 1 to December 6, 1915"; folder "Dartmouth (Cox)—Okla. A&M (Chambliss)." The Bryn Mawr case is described in ibid., folder "Bryn Mawr Case."

6. Material on the George Fellows case at the James Millikin University is in AAUP 1913–18, "August 20, 1914 to June 9, 1915." Regarding the request to involve the National Association of State Universities, see Lovejoy to Seligman, September 11, 1915, AAUP 1913–18, "Montana Case, Folder 2."

7. Lovejoy to Dewey, March 24, 1915, Seligman Papers, "Cataloged Correspondence, 1913–14." Lovejoy's later recollections are quoted in Walter P. Metzger, "The First Investigation," *AAUP Bulletin* 47 (Sept. 1961): 206–10, and also in Lewis S. Feuer, "Arthur O. Lovejoy," *American Scholar* 46 (Summer 1977): 364. Lovejoy to Cattell, March 31, 1915, Cattell Papers (LoC), Box 27. "Accounts of the Dispute at the University of Utah," *New York Evening Post*, April 1, 1915. See 1915.04.05 (03203), Dewey to Ross Granville Harrison, *Dewey Correspondence*.

8. Ralph V. Chamberlin, *The University of Utah: A History of Its First Hundred Years, 1850–1950* (Salt Lake City: University of Utah Press, 1960). The prehistory and events surrounding the AAUP investigation are discussed in chapter 19, from which much of this discussion is drawn.

9. "Popular Instructors Are Dismissed from Faculty by President," *Utah Chronicle* 23 (Mar. 1, 1915). "Regents Refuse to Make Investigation," *Utah Chronicle* 23 (Mar. 18, 1915).

10. AAUP, *Report of the Committee of Inquiry on Conditions at the University of Utah* ([New York]: Author, July 1915), 9. "Public Statement by the Board of Regents of the University of Utah," Seligman Papers, "Academic Freedom," 4–5.

11. *Report of the Committee of Inquiry on Conditions at the University of Utah*, 15. Charles Wilbert Snow published his memoirs under his middle name: *Codline's Child: The Autobiography of Wilbert Snow* (Middletown, CT: Wesleyan University Press, 1974), 191.

12. *Report of the Committee of Inquiry on Conditions at the University of Utah*, 3.

13. See 1915.04.05? (03202), Lovejoy to Ross Granville Harrison, *Dewey Correspondence*. Dewey to Seligman, April 19, 1915, Seligman Papers, "Cataloged Correspondence."

14. *Report of the Committee of Inquiry on Conditions at the University of Utah*, 61–74. Chamberlin, *University of Utah*, 245. Snow, in his autobiography, claims that his dismissal was because of his public support of a Democratic senatorial candidate, over which he received a warning from Kingsbury. *Codline's Child*, 190. Although Snow submitted a letter to the investigative committee about his role in the student's commencement speech, he did not mention this other event to the committee. C. W. Snow to Lovejoy, April 26, 1915, Seligman Papers, "Academic Freedom."

15. *Report of the Committee of Inquiry on Conditions at the University of Utah*, 58–59.

16. Howard Crosby Warren, "Academic Freedom," *Atlantic Monthly* 114 (Nov. 1914): 699; Lovejoy to Dewey, April 27, 1915, Seligman Papers, "Uncataloged Correspondence, 1913–14." E. R. A. Seligman et al., "Correspondence: Preliminary Summary of Findings on Conditions at Utah," *The Nation* 100 (June 3, 1915): 624–25.

17. James Lichtenberger to Seligman, May 21, 1915, Seligman Papers, "Cataloged Correspondence." Jonathan Knight, "The AAUP's Censure List," *Academe* 89 (Jan.–Feb. 2003): 44–49.

18. Warren to Seligman, October 20, 1915, AAUP 1913–18, "October 1 to December 6, 1915." Fetter to Seligman, May 29, 1915, AAUP 1913–18, "August 20, 1914 to June 9, 1915." Lovejoy to Seligman, July 5, 1915, AAUP 1913–18, "June 10 to July 31, 1915."

19. Lichtenberger to Ross, May 21, 1915, Ross Papers, Reel 8.

20. Several letters from faculty members in response to Seligman's letter are in Seligman Papers, "Academic Freedom."

21. Van Cott to Seligman, May 27, 1915; Seligman to Van Cott, June 8, 1915; Lovejoy to Van Cott, June 24, 1915; Seligman to William Bradford, June 30, 1915 [apparently mistakenly written as 1916], Seligman Papers, "Academic Freedom." *Report of the Committee of Inquiry on Conditions at the University of Utah,* 33, 35.

22. Lovejoy to Seligman, June 12, 1915, Seligman Papers, "Uncataloged Correspondence, 1913–14."

23. Chamberlin, *University of Utah*, 340. "Report of the Third Annual Meeting," *BAAUP* 3 (Feb. 1917): 13. "Constitution of University of Utah," *BAAUP* 3 (Apr. 1917): 8–12.

24. Chamberlin, *University of Utah*, 337–38. "Constitution of University of Utah," 11. Transcript of the Third Annual Meeting, AAUP Archives (GWU), Historical Files.

25. The role of intramural speech as an element of academic freedom has had a varied history in AAUP policy. Finkin and Post argue that the "1940 Statement of Principles on Academic Freedom and Tenure," in AAUP, *Policy Documents and Reports*, 11th ed. (Baltimore: Johns Hopkins University Press, 2015), 13–19, includes intramural speech because faculty are designated "officers of an educational institution." The "Statement on Government of Colleges and Universities" (ibid., 117–22) simply lists intramural speech as a special case of extramural speech. Matthew Finkin and Robert Post, *For the Common Good: Principles of American Academic Freedom* (New Haven, CT: Yale University Press, 2009), 123–26.

26. John Dewey, "Faculty Share in University Control," in AAU, *Journal of Proceedings and Addresses of the Seventeenth Annual Conference* (Chicago: University of Chicago Press, 1915), 27–32. The transcript of the discussion by participants is in ibid., 32–39.

27. Ibid., 27, 30.

28. Ibid., 38.

29. Nearing to Ross, June 17, 1915, Ross Papers, Reel 8.

30. Scott Nearing, *The Making of a Radical: A Political Autobiography* (New York: Harper & Row, 1972), 84. Weatherly to Seligman, June 26, 1915, AAUP 1913–18, "Nearing Case." Regarding the letter from Wharton to the trustees, see Rexford G. Tugwell, *To the Lesser Heights of Morningside* (Philadelphia: University of Pennsylvania Press, 1982), 7.

31. Nearing, *Making of a Radical*, 54. Tugwell, *To the Lesser Heights*, 67–68. On the changing composition of the governing board, see John A. Saltmarsh, *Scott Nearing: An Intellectual Biography* (Philadelphia: Temple University Press, 1991), 83–84.

32. "Turning the Faculty Upside Down," *Alumni Register* 17 (Jan. 1915): 249–50. William J. Serrill, "The Board of Trustees," *Alumni Register* 17 (May 1915): 583–84.

33. Steve A. Sass, *The Pragmatic Imagination: A History of the Wharton School 1881–1981* (Philadelphia: University of Pennsylvania Press, 1982), 119. Saltmarsh, *Scott Nearing*, 88–95.

34. Lightner Witmer, *The Nearing Case* (New York: B. W. Huebsch, 1915), 21. Stephen J. Whitfield, *Scott Nearing: Apostle of American Radicalism* (New York: Columbia University Press, 1974), 36.

35. Nearing, *Making of a Radical*, 84–85. *New Republic* 3 (July 3, 1915): 214. Croly to Seligman, June 22, 1915, Seligman Papers, "Cataloged Correspondence." Regarding the *New Republic's* advocacy for academic freedom, see Claude Charlotte Bowman, *The College Professor in America: An Analysis of Articles Published in the General Magazines, 1890–1938* (New York: Arno Press, 1977), 183.

36. Seligman to the Joint Committee, August 3, 1915, AAUP 1912–18, "August 1 to September 30, 1915." Ross to Giddings, June 24, 1915, Ross Papers, Reel 8.

37. Lovejoy to Seligman, June 21, 1915, Seligman Papers, "Uncataloged Correspondence, 1913–14." Lovejoy to Ely, June 29, 1915, Richard T. Ely Papers (microfilm), Reel 52.

38. Mary O. Furner, *Advocacy and Objectivity: A Crisis in the Professionalization of American Social Science, 1865–1905* (New Brunswick, NJ: Transaction, 2010 [1975]), 179–83, 193–96. Anderson to Seligman, August, 1915; Seligman to Anderson, August 10, 1915; Fetter to Seligman, October 15, 1915; Seligman to Judson, July 7, 1915, AAUP 1913–18, "Nearing Case." Seligman to Lovejoy, October 21, 1915, AAUP 1913–18, "October 1 to December 6, 1915."

39. Lovejoy to Ely, June 29, 1915, Richard T. Ely Papers (microfilm), Reel 52. Lovejoy to Seligman, October 5, 1915, AAUP 1913–18, "Nearing Case." Nearing, *Making of a Radical*, 89. Daniel M. Fox, *The Discovery of Abundance: Simon N. Patten and the Transformation of Social Theory* (Ithaca, NY: Cornell University Press, 1967), 125–27. Tugwell, *To the Lesser Heights*, 69.

40. Seligman to Members of Committee of Fifteen, September 29, 1915; Seligman to the Committee of Fifteen, September 29, 1915, AAUP 1913–18, "Reports, 1914–1917 (Folder 2)." Lovejoy to Seligman, October 12, 1915, AAUP 1913–18, "Nearing Case."

41. "Report of the Committee of Inquiry on the Case of Professor Scott Nearing of the University of Pennsylvania," *BAAUP* 2 (May 1916): 12, 13.

42. Lovejoy to Pound, March 14, 1915; "Preliminary Report of the Committee of Inquiry on the Dismissal of Professor Scott Nearing from the Faculty of the University of Pennsylvania," Pound Papers, Reel 9.

43. "Report of the Committee of Inquiry on the Case of Professor Scott Nearing," 42–44. "Preliminary Report of the Committee of Inquiry on the Dismissal of Professor Scott Nearing."

44. Several clippings can be found in Seligman Papers, "Scrapbooks of Clippings by Seligman, 1917–1918."

45. "Professors Are Compelled to Lie for Job," *Northwest Worker*, April 19, 1917.

46. Edwin Robert Anderson Seligman and Scott Nearing, *Debate between Prof. E. R. A. Seligman, Affirmative, and Prof. Scott Nearing, Negative, Subject: Resolved: That Capitalism Has More to Offer to the Workers of the United States Than Has Socialism* (New York: Fine Arts Guild, 1921), 19.

47. Seligman to Pound, undated, Roscoe Pound Papers, Reel 12. Graham Adams Jr., *Age of Industrial Violence 1910–15: The Activities and Findings of the United States Commission on Industrial Relations* (New York: Columbia University Press, 1966), 32. "Report of Committee of Inquiry Concerning Charges of Violation of Academic Freedom at the University of Colorado," *BAAUP* 2 (Apr. 1916): 1–72. Commons to Dewey, July 8, 1915, AAUP 1913–18, "Brewster Case."

48. "Report of Committee of Inquiry Concerning Charges of Violation of Academic Freedom at the University of Colorado." Farrand to Seligman, August 10, 1915; Lovejoy to Brewster, August 16, 1915, AAUP 1913–18, "Brewster Case."

49. Fetter to Seligman, August 6, 1915, AAUP 1913–18, "August 1 to September 30, 1915." Seligman to Members of the Committee on Academic Freedom, July 27, 1915; Guy S. Ford to Seligman, July 31, 1915, AAUP 1913–18, "Brewster Case."

50. Lovejoy to Seligman, August 5, 1915, AAUP 1913–18, "August 1 to September 30, 1915."

Chapter Seven: The 1915 Declaration of Principles on Academic Freedom and Academic Tenure

1. The first publication of the report under the new title appears to be "The 1915 Declaration of Principles," *BAAUP* 29 (Feb. 1943): 83–101. This publication omitted the introductory section and used the new title in place of the section title "General Declaration of Principles." The report can be found under its

current title in AAUP, *Policy Documents and Reports*, 11th ed. (Baltimore: Johns Hopkins University Press, 2015), 3–12.

2. Seligman to Members of the Committee on Academic Freedom, August 15, 1915; Ford to Seligman, August 6, 1915, Richard T. Ely Papers, Reel 52. Lovejoy to Seligman, August 21, 1915, AAUP 1913–18, "Brewster Case." The first report on institutional governance by an AAUP committee was "Report of Committee T on Place and Function of Faculties in University Government and Administration," *BAAUP* 6 (Mar. 1920): 17–47. It includes the results of the survey it conducted.

3. Seligman's draft, "Report of the Committee on Academic Freedom," is attached to: Seligman to Ely, November 20, 1915. Richard T. Ely Papers, Reel 53. Seligman to Lovejoy, December 1, 1915, AAUP 1913–18, "October 1 to December 6, 1915." "General Report of the Committee on Academic Freedom and Academic Tenure," *BAAUP* 1 (Dec. 1915): 15–43.

4. "General Report of the Committee on Academic Freedom and Academic Tenure," 26–27.

5. Ibid., 38–39. Arthur O. Lovejoy, "The Profession of the Professorate," *Johns Hopkins Alumni Magazine* 2 (Nov. 1913 to June 1914): 187–91.

6. "General Report of the Committee on Academic Freedom and Academic Tenure," 40.

7. Ibid. "Suggestions for General Report of the Committee on Academic Freedom," AAUP 1913–18, "Reports 1914–1917 (Folder 1)." The suggestions are unsigned and undated, but the handwriting is Lovejoy's. Lovejoy, "Profession of the Professorate," 191.

8. "General Report of the Committee on Academic Freedom and Academic Tenure," 40–41.

9. Ibid. Howard C. Warren, "Suggestions for Report of Committee on Academic Freedom," AAUP 1913–18. "Reports 1914–1917 (Folder 2)."

10. "General Report of the Committee on Academic Freedom and Academic Tenure," 26.

11. John R. Wigmore, "Academic Freedom of Utterance: An Analogy Drawn from Judicial Immunity," *The Nation* 103 (Dec. 7, 1916): 538–40.

12. Lovejoy to Wigmore, December 14, 1915, AAUP 1913–18, "December 15, 1915 to January 17, 1916." Seligman to Lovejoy, December 1, 1915, AAUP 1913–18, "October 1 to December 6, 1915." Lovejoy to Seligman, December 11, 1915, AAUP 1913–18, "December 7, 1915 to January 17, 1916." Lovejoy's letter to the editor and Wigmore's response were published in *The Nation* 103 (Dec. 14, 1916): 561–62.

13. "General Report of the Committee on Academic Freedom and Academic Tenure," 20. Seligman, "Report of the Committee on Academic Freedom."

14. "General Report of the Committee on Academic Freedom and Academic Tenure," 37–38. Seligman, "Report of the Committee on Academic Freedom." For the current view of the AAUP on restrictions on extramural speech, see "Commit-

tee A Statement on Extramural Utterances," in AAUP, *Policy Documents and Reports*, 31. See also "Statement on Professors and Political Activity," ibid., 39.

15. Edward Bemis, "Letter to the Editor," *Gunton's Magazine* 18 (Mar. 1900): 226. Edward Alsworth Ross, *Changing America* (New York: Century, 1912), 203.

16. Giddings to Seligman, November 1, 1915, AAUP 1913–18, "Reports 1914–1917 (Folder 2)." "General Report of the Committee on Academic Freedom and Academic Tenure," 21–23.

17. "General Report of the Committee on Academic Freedom and Academic Tenure," 25, 28.

18. Ibid., 35. Richard T. Ely, "Suggestions for the Report of the Committee of Fifteen on Academic Freedom," AAUP 1913–18, "Reports 1914–1917 (Folder 2)." Seligman to Lovejoy, November 3, 1915, AAUP 1913–18, "October 1 to December 6, 1915."

19. "General Report of the Committee on Academic Freedom and Academic Tenure," 36. Pound to Seligman, January 14, 1916, AAUP 1913–18, "Nearing Case."

20. Seligman to Members of the Committee of Fifteen, August 25, 1915, Pound Papers, Reel 12. John Dewey, "Address of the President: Delivered at the Annual Meeting of the Association: December 31, 1915," *BAAUP* 1 (Dec. 1915): 12.

21. "Report of Proceedings, Meeting of the American Association of University Professors. Held at Washington, D.C. December 31, 1915, and January 1, 1916," AAUP Archives (GWU), Historical Files. Except for cited references to the published minutes, the following description is based on this transcript.

22. "The Second Annual Meeting of the Association," *BAAUP* 2 (Apr. 1916): 12.

23. William MacDonald, "Academic Societies: The American Association of University Professors," *The Nation* 102 (Jan. 13, 1916): 49–50.

24. "The Professor's Place in the World," *The Nation* 102 (Jan. 27, 1916): 96.

25. "The Professors' Union," *New York Times*, January 21, 1916.

26. *Report of the Commissioner of Education* (Washington, DC: GPO, 1914), 157–67. *Report of the Commissioner on Education* (Washington, DC: GPO, 1915), 138. Claxton to Tyler, March 15, 1916, Seligman Papers, "Academic Freedom."

27. Clyde Furst to Seligman, January 14, 1916, AAUP 1913–18, "December 7, 1915 to January 17, 1916." CFAT, *Ninth Annual Report of the President and the Treasurer* (New York: Author, 1914), 59–61.

28. Herbert Welch, "Academic Freedom and Tenure of Office," in *Proceedings of the Second Annual Meeting of the Association of American Colleges* (Fayette, IA: AAC, 1916), 157–71. Committee on Academic Freedom and Tenure of Office, "Report of Committee," *Association of American Colleges Bulletin* 3 (Apr. 1917): 51. Lyman Pierson Powell to Clyde Furst, January 25, 1917, CFAT Records, Box 42, Folder 2.

29. "Report of Proceedings, Meeting of the American Association of University Professors." "Officers of the Association: 1916," *BAAUP* 2 (Mar. 1916): 3. "Committees of the Association," *BAAUP* 2 (Apr. 1916): 20–29.

30. "Bulletins of the American Institute of Criminal Law and Criminology: Bulletin No. 1, July, 1909," *Journal of the American Institute of Criminal Law and Criminology* 1 (May 1910): 118–21.

31. Wigmore to AAUP Council, February 10, 1916. Ross Papers, Reel 9.

32. MacDonald, "Academic Societies," 49. Seligman to MacDonald, January 20, 1916, AAUP 1913–18, "January 1 to March 31, 1916." "Committees of the Association."

33. Arthur Lovejoy, "The American Association of University Professors," *The Nation* 102 (Feb. 10, 1916): 170.

34. Wigmore to Harry P. Judson, May 1, 1916. UC President, Box 5, Folder 10. List of responses by university presidents, AAUP 1913–18, "Reports 1914–1917 (Folder 1)." Van Hise to Ely, May 18, 1916, AAUP 1913–18, "May 18 to May 31, 1916." Walter P. Metzger, "1940 Statement of Principles on Academic Freedom and Tenure," *Law and Contemporary Problems* 53 (Summer 1990): 17–20. Also, see Timothy Reese-Cain, *Establishing Academic Freedom* (New York: Palgrave Macmillan, 2012).

35. Lovejoy to Tyler, January 7, 1916, AAUP Archives (GWU), Historical Files.

36. Lovejoy, "American Association of University Professors," 170.

Chapter Eight: The Goal of Investigations and the Early Development of Academic Due Process

1. Lovejoy to Seligman, October 24, 1916, Seligman Papers, "Cataloged Correspondence."

2. H. G. Merriam, *The University of Montana: A History* (Missoula: University of Montana Press, 1970), 10. Upton Sinclair, *The Goose-Step* (Pasadena, CA: Author, 1923), 179. US Census Bureau, "State Population Estimates and Demographic Components of Change: 1900 to 1990 Total Population Estimates," http://www.census.gov/popest/data/state/asrh/1980s/80s_st_totals.html.

3. Jules A. Karlin, "Conflict and Crisis in University Politics: The Firing of President E. B. Craighead, 1915," *Montana: The Magazine of Western History* 36 (Summer 1986): 50–51. Edwin Craighead to Henry Pritchett, October 13, 1914; Henry Pritchett to Edwin Craighead, October 30, 1914; Edwin Craighead to Henry Pritchett, November 4, 1914, CFAT Records, Box 61, Folder 7.

4. "Report of the Committee of Inquiry Concerning Charges of Violation of Academic Freedom, Involving the Dismissal of the President and Three Members of the Faculty, at the University of Montana," *BAAUP* 3 (May 1917): 183. Lovejoy to Edward C. Elliott, October 9, 1915, Elliott Papers, Box 8.

5. Karlin, "Conflict and Crisis in University Politics," 57. "Report of the Committee of Inquiry," 194–207.

6. George Reynolds, "Ever since My Dismissal," AAUP Archives (GWU), Committee A on Academic Freedom and Tenure Case Files, 1915–74, "Montana File." "Report of the Committee of Inquiry," 208–9.

7. Joseph Harding Underwood to Seligman, June 11, 1915, AAUP 1913–18, "University of Montana, Folder 1."

8. Edward Elliott to Seligman, November 15, 1917, AAUP 1913–18, "University of Montana, Folder 2." The account of Elliott's actions given here differs substantially from that of his biographer, who apparently disregarded much of the available evidence in the archival record that he cites: Frank K. Burrin, *Edward C. Elliott: Educator* (Lafayette, IN: Purdue University Studies, 1970), 50–79.

9. Edward Elliott to Sam V. Stewart, September 24, 1915; Edward Elliott to Sam V. Stewart, September 29, 1915, Elliott Papers. "Report of the Committee of Inquiry," 209–10.

10. Edward Elliott to Sam V. Stewart, October 22, 1915; Edward Elliott to Sam V. Stewart, October 22, 1915, Elliott Papers. Elliott wrote two separate letters on the same day to Stewart. Henry Davee to Edward Elliott, October 29, 1915; Edward Elliott to Henry Davee, November 8, 1915, Elliott Papers.

11. Lovejoy to Edward Elliott, October 25, 1915; Edward Elliott to Sam V. Stewart, October 29, 1915; Lovejoy to Sam V. Stewart, November 1, 1915, Elliott Papers. Charles Kofoid to Lovejoy, October 25, 1915; Lovejoy to Seligman, October 29, 1915; Lovejoy to Charles Kofoid, November 12, 1915; Charles Kofoid to Lovejoy, November 12, 1915, AAUP 1913–18, "University of Montana, Folder 2." Sam V. Stewart to Lovejoy, October 27, 1915, AAUP Archives (GWU), Committee A on Academic Freedom and Tenure Case Files, 1915–74, "Montana File." Charles Kofoid to Members of the Committee on the Case, November 18, 1915, AAUP 1913–18, "University of Montana, Folder 3."

12. Frederick Padelford to Charles Kofoid, November 30, 1915; Lovejoy to Charles Kofoid, December 8, 1915; Frederick Padelford to Lovejoy, December 24, 1915, AAUP 1913–18, "University of Montana, Folder 3."

13. Charles Hall to Edward Elliott, October 13, 1915; Edward Elliott to J. H. T. Ryman, December 29, 15; Edward Elliott to Sam V. Stewart, January 3, 1916; Sam V. Stewart to Edward Elliott, January 6, 1916; Edward Elliott to Sam V. Stewart, January 10, 1916, Elliott Papers.

14. Lovejoy to Edward Elliott, January 17, 1916; Edward Elliott to Lovejoy, January 21, 1916; Lovejoy to Edward Elliott, January 24, 1916, Elliott Papers.

15. "Report of the Committee of Inquiry," 214–18.

16. Ibid., 208.

17. Lovejoy to Guido Marx, September 6, 1916, AAUP Archives (GWU), Committee A on Academic Freedom and Tenure Case Files, 1915–74, "Montana File." Additional letters exchanged along these lines make up a significant percentage of that investigative file and will not be individually enumerated here. Seligman to Lovejoy, October 24, 1916, Seligman Papers: "Cataloged Correspondence."

Seligman to Members of the Montana Committee, October 31, 1916, Seligman Papers, "Academic Freedom."

18. Guido Marx to Young, December 1, 1916; Young to Guido Marx, December 7, 1916, AAUP 1913–18, "University of Montana, Folder 3."

19. Lovejoy to Seligman, November 15, 1916, AAUP Archives (GWU), Committee A on Academic Freedom and Tenure Case Files, 1915–74, "Montana File."

20. The relevant section of Marx's autobiography was added to the Montana file by the AAUP's staff at a later point. The full autobiography is in Marx's file at the Stanford archives. Regarding the views of the local faculty, see in particular Lovejoy's unsent letter to the committee, in which he tabulates the level of support that Craighead enjoyed among the faculty. Lovejoy to Members of the Montana Committee, October 30, 1916, AAUP Archives (GWU), Committee A on Academic Freedom and Tenure Case Files, 1915–74, "Montana File."

21. Edward Elliott to Lovejoy, September 11, 1916; John Wigmore to Edward Elliott, September 27, 1916; Edward Elliott to John Wigmore, September 30, 1916; Charles Kofoid to Edward Elliott, December 4, 1916; Edward Elliott to Charles Kofoid, December 9, 1916, Elliott Papers.

22. Lovejoy to Young, July 17 [1917], AAUP 1913–18, "Miscellaneous: Undated."

23. "President's Report for 1916," *BAAUP* 2 (Nov. 1916): 15. Frank Thilly, "Address of the President to the Members of the Association," *BAAUP* 3 (Feb. 1917): 9. A summary of the case at Cincinnati is provided in "Memoranda for the Information of the Committee on Academic Freedom and Academic Tenure," undated, AAUP 1913–18, "Miscellaneous: Undated."

24. John Wigmore to Young, February 12, 1916; John Wigmore to Young, March 13, 1916, AAUP 1913–18, "January 1 to March 31, 1916." H. W. Tyler to Young, March 25, 1916, AAUP 1913–18, "Reports 1914–1917 (Folder 2)." AAUP, "Rules of Procedure for Special Committees of Inquiry of the Committee on Academic Freedom and Tenure," approved April 1916, AAUP 1913–18, "Reports 1914–1917 (Folder 1)."

25. H. W. Tyler to Members of the Executive Committee, March 27, 1916, AAUP 1913–18, "Reports 1914–1917 (Folder 2)."

26. "Report of Committee A on Academic Freedom and Academic Tenure," *BAAUP* 4 (Feb.–Mar. 1918): 19.

27. *Northwest Journal of Education* 25 (May 1914): 390. Joseph K. Hart, "The Democratic Organization of a State University," *Popular Science Monthly* 84 (Jan. 1914): 94.

28. See 1914.05.18 (02580), John Dewey to Joseph K. Hart, *Dewey Correspondence*. John Dewey to Seligman, April 19, 1915, Seligman Papers, "Cataloged Correspondence."

29. Deron Boyles, "Politics or Principles? Joseph Kinmont Hart and the University of Washington, 1910–1915," *Vitae Scholasticae* 43 (2005): 96–97.

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Appendix: Officers of the AAUP, Members of Committee A, and Members of Investigative Committees, 1915–20

1. Taken mostly from "Present and Former Members of Committee A," *BAAUP* 8 (Dec. 1922): 67, with some corrections.

2. Taken mostly from "List of Reports by Investigating Committees," *BAAUP* 8 (Dec. 1922): 64–66, with some corrections. The first date refers to the date of publication of the investigative report; the date in parentheses refers to when the case occurred.

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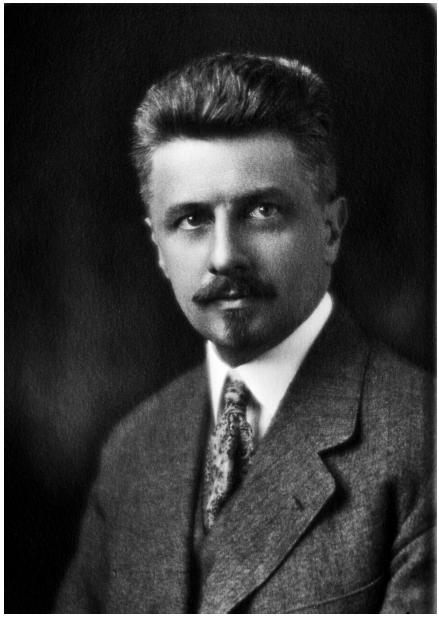

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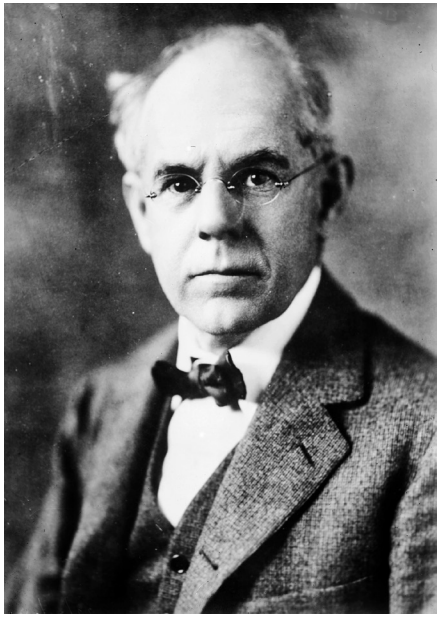

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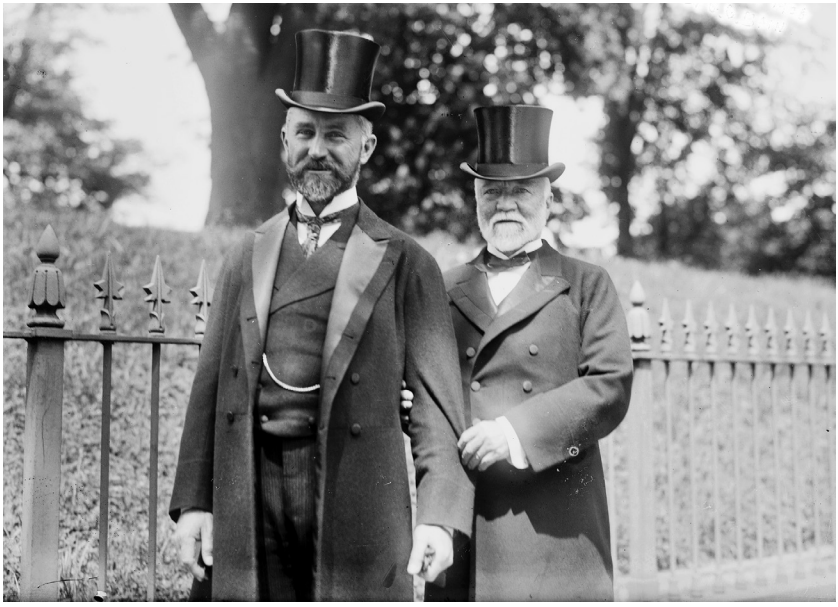

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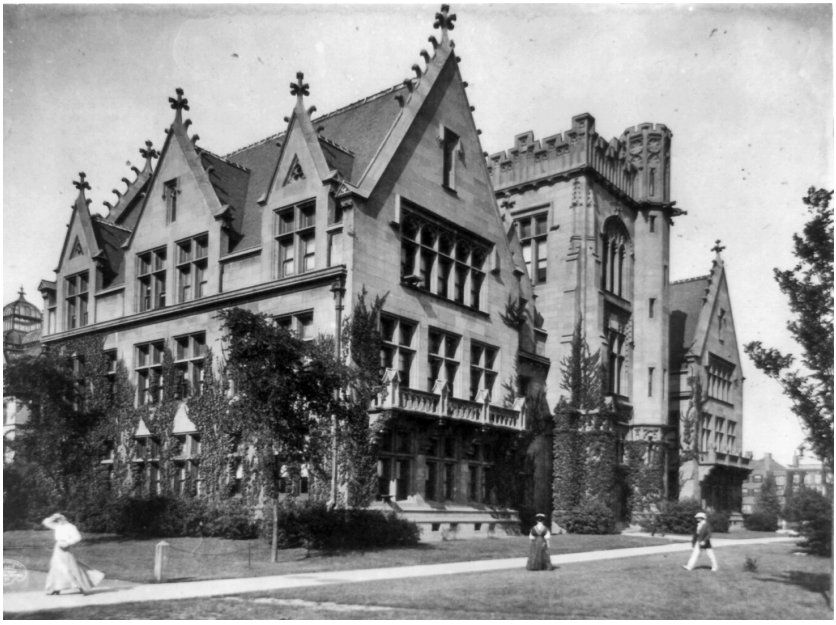

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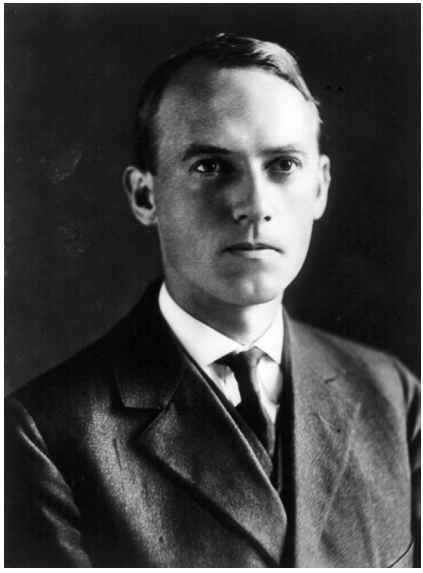

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